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AN
INTRODUCTION
TO THE
HISTORY
OF THE
REVOLT
OF THE
COLONIES.

WHETHER the famous atchievement of Columbus introduced the greatest good or evil, by discovering a new world to the old, has in every succeeding age offered a subject for disputation.

While Spain conquered empires, it was remarked of her policy, that she did not by her enterprizes add one man to her subjects; that, though she destroyed thousands by digging appropriated mines, she became not richer; and, though she acquired celebrity by her exploits, she at the same time attracted the envy of mankind, its usual concomitant. She did not therefore long enjoy, without disturbance, what her good fortune no less than her adventurous spirit had won by sacrificing huma-

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nity to conquest. Portugal disputed her pretensions to discovery, because the Portugueze had previously explored regions, which, during the reign of ignorance, were supposed to be the same. England sent Cabot northward to search for another Mexico; without success. France dispatched Verazzan to try if a new Peru could be found; but to no purpose. And, when ages had elapsed without finding the object of their hopes and of their trials, every nation endeavoured to gain a part of the Spanish opulence, either by force or fraud. America then indeed poured her treasures in copious streams into Europe. Industry was at length roused, commerce was extended, and manners were polished: but amid these felicities luxury revived, contest commenced, and, while warfare disturbed universal repose, it dissipated the riches, which, at the cost of every hazard, it had been the favourite passion of all to acquire.

In the progress of events men naturally became dissatisfied with fraud that was sometimes unsuccessful, and tired of hostility which was often dangerous. And peaceful projects of fishery, of traffic, and of colonization, succeeded to the predatory adventures of the smuggler and the bucanier. Animated by that characteristic prejudice of mankind, which prefers what is more distant to what is more near, the English sailed to the American coasts to catch the same species of fish that swarmed along their own; they sought with avidity for foreign peltry without enquiring whether their domestic woolfels did not admit of melioration: and they employed that wealth to people distant desarts, which, by spreading improvement over internal wastes, had invigorated the principle of native population.

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When Cecil had tried in vain all his father's arts, to procure from Spain by the treaty of 1604 a permission to trade with the Indies; when the subjects of James I. were now no more allowed to fight for the independence of the united states of Netherland, the restless turned their ardour into the channel of colonization. Yet the prudent did not allow themselves to be hurried down the stream without remonstrance: the sagacious could not perceive the advantages which were to result to England by the exportation of her sons; because they foresaw "that the charge would be great, the business long, and "the gains nothing." In order to remove objections, whose plausibility demanded confutation, it was confidently pleaded: "that Virginia was large and com- "mendable every way, inhabited by a people, savage "indeed, yet gentle; that the climate was wholesome, "and, though much warmer than England, was very "agreeable to our nature; that the mountains made a "sensible proffer of hidden treasures never yet searched "for; that, by the forming of a colony, we should ad- "vance the kingdom of God, we should enlarge our do- "minions, and multiply our subjects; and such a strength "of shipping might be thence maintained as to furnish "our own various wants and the wants of other nati- "ons too.*" If representations, whose fallacy experi-

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* Those extracts may be found in a pamphlet, entitled "Most excellent fruits by planting in Virginia"; which was published in 1609, two years only after the original settlement, in order to awaken attention and to urge perseverance.

ence soon detected, did not remove the scruples of the few, they at least inflamed the passions of the many : and every order in the state, the peer and the peerefs, the gentleman and his dame, the merchant and mechanic ; all engaged in forming settlements in the Western hemisphere with a zeal almost equal to that of their ardent fathers, when they hastened to the East to purchase supposed salvation, by rescuing the holy city.

Animated however by such motives, or pleased with novelty, James I. entered with kindred ardour into the designs of his people. He granted in 1606 to two companies, who each proposed to plant Virginia, that immense region, stretching from the thirty-third to the forty-sixth degree of latitude : he gave them the management of colonial affairs, with authority to rule the emigrants : and he condescended, because he delighted in executing the difficult task of lawgiver, to deliver to the planters, who were still to be regarded as subjects, instructions, full of salutary advice and useful regulation. When the present concessions were found to be inadequate, because the project was new, he granted in 1609 and in 1611 additional charters and other laws. Hence, the most ancient colonists were placed under the regimen of a three-fold jurisdiction : they were subjected equally to the personal power of their sovereign ; to the distant regulation of a commercial company ; to the immediate government of a president and council ; without tasting the pleasures of suffrage or enjoying the importance of self-legislation.

Careless whither they were going, yet animated by hope, a small emigration, composed, says Smith, of " poor gentlemen,

“ gentlemen, tradesmen, serving-men, and libertines,” soon departed for Virginia, in order to prosecute such adventures as chance might direct. What sagacity might have foreseen and prevented was discovered by experience the moment that the emigrants entered the wilderness, which the aborigines had hitherto possessed without invasion. Settled in 1607, like the founders of Rome, without the society of women, on the uncultivated banks of a river, the colonists encountered the various embarrassments of a situation, that no man will envy who values health or ease. Without regarding the provident instructions of their sovereign, they provoked with their habitual licence the enmity of the natives, who felt the resentments of untutored men, rather than cultivated their kindness, which had freed them from danger while they were yet weak. Discord soon enfeebled the authority of the rulers, Wingfield, Gosnold, and Smith, Newport, Ratcliff, and Martin; and the sedition and disobedience, that consequentially followed, entailed innumerable ills on the governed. Having no engaging object, the settlers quarrelled with each other, since they had no empires to subdue. Famine, disease, and death, filled the cup of misery: and amid their distractions the survivors had abandoned the colony but for the prudent vigour of Smith, whose desert was great as a chief commander, whose services were yet greater as a discoverer of the internal country and the trackless Chesapeake.

Of those disasters the company heard in England with regret; but they were fired with indignation when they learned by a letter transmitted to Lord Salisbury, the secretary of state, that the planters intended to di-

vide the country among themselves without their consent.

Had the colonists attempted, what seems extremely improbable, to appropriate the land from which they were then anxious to fly, redress was in those days obvious, and was indeed proposed; "to leave them in Virginia, "without support, as banished men." With a threat which was then attended with horror, the company sent them instructions to explore the Western wilderness, that they might gain intelligence of the South sea; to transmit a lump of gold as a token of success; to find one of the long-lost adventurers of Raleigh, that they might profit from his information. Inquiries, which shew the motives of the times, were made then, as happily for England they have always been, without success. And the company learned from continued disappointment what wisemen had foretold: "that they who "plant colonies must be endued with great patience."

Invigorated at length by the arrival of successive emigrations, and awakened from Spanish dreams of the precious metals, the planters turned their attention to more important objects. They endeavoured with feeble efforts, because they were yet weak, to open the bosom of the circumjacent forest; they prepared the timber for the various uses of the builder and the cooper; and they began to procure by planting the Indian corn, which they had hitherto meanly obtained of the surrounding tribes by traffic. But they who toil without a special interest will seldom labour much: the president and council were induced by their idleness to enforce that energy which arises in formed communities from self-love, by establishing it as a fundamental law of the colony: "that
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“he who will not work shall not eat.” As the spark of industry began to kindle, settlements were pushed forward along either bank of James river. Yet little could be expected from the exertions of men, who were driven rather by the dread of evil than urged by expectation of reward; obedience could scarcely be required when the rulers disputed who should command; and no attention was paid to the prejudices of the aborigines, who were supposed not to enjoy a right, since they spoke a dissimilar language. Anarchy soon brought with it its usual miseries. By the native Virginians the colonists were attacked, with the energy of a people who defended their country against intruders; who had thus been provoked without a cause. Folly wasted the provisions, which prudence had gathered with difficulty; which in that solitary situation could not be easily replaced. And a consuming famine ensued, with all its horrors, that was long remembered in Virginia as “the starving time.”

On the arrival of a new governor in May 1611, who was invested with extraordinary powers, because he was sent to correct singular abuses, the emigrants were placed under the polity of martial law; in order to punish recent delinquency and to prevent future disobedience. Too narrow to find place for counties, the settlement was now divided into hundreds; to each of which was assigned a captain, to direct with the spirit of a modern overseer the employment of the planters, and to chastise inattention. That such a remedy should have been adopted only demonstrates that the distempers of the colony had been considered in England as mortal. And Dale, whose administration is remarkable no less for wisdom than for energy, removed not long after the chief

cause of former misfortunes, by giving, though with a sparing hand, some reward to diligence. The royal instruction, which, considering the emigration as a great family, had directed that the product of universal labour should be placed in a common magazine for general subsistence, having only promoted idleness, was at length prudently relaxed. He assigned to every freeman in 1613 a farm of three acres, on condition that they laboured annually three months for the company to whom they owed their transportation, and paid them three bushels of Indian corn in lieu of every claim. And though the moderation of those concessions appears ridiculous, when compared with the extravagance of subsequent times, though the farmers were only tenants at will, since they enjoyed none of the gratifications of ownership, "those regulations gave the colonists, as we are assured, much content." Relieved from real servitude, though they were subjected by the policy of Dale to the rigours of martial law, they were awhile happy, because in all change there is pleasure.

The ruins of time have left us no monuments by which we can mark the introduction of property, or trace the progress of freedom, in the nations of the antient world. But with regard to the communities of the western hemisphere, which having derived their recent existence from the adventures of a learned people, whose archives have preserved their charters and their laws, research may easily be pursued and curiosity gratified. If we look into the Virginian annals, we shall find the year 1615 remarkable for the establishment of a fixed possession of the soil, descendible to the heirs of the occupier, so flattering, because he thinks what he enjoys is for ever
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his own. It was in order to encourage emigration that fifty acres of land were now granted by the company to every freeman in absolute right. It was with design to induce them to remain in their new habitations, that they sent them not long after virtuous women for wives. And, having now acquired the two objects which all men wish for the most, the Virginians directed all their pursuits with unusual animation. The maize, which they had meanly derived from a traffic with the Indians, was now procured in abundance from the labours of the plough, the importance of which was discovered the moment the planters derived a profit from them. In the subsequent year tobacco was introduced, so renowned by the Spanish physicians as a specific for every disease, so celebrated for having James I. for its antagonist, who opposed what soon formed the staple of Virginia no less by his proclamations as a monarch than by his pen as a scholar. Yet the planters ere long became unhappy, because enjoyment does not always gratify. Martial law, made necessary by former turbulence, "had become the common custom of the country." Brewster, a person of consideration, was tried in 1618 for contemptuous words spoken of the commander in chief; and condemned to die. But he carried the first appeal to England, from this severe sentence, to the company; who humanely reversed the judgement of the court-martial. During those sad days of slavery, the governor exercised sole legislative power; prescribing ecclesiastical rules; regulating domestic commerce; and directing modes of life. Subjected to such a legislature and to such a common law, the Virginians could boast little of their antient freedom. Governed as a conquered people they enjoyed none
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of the invaluable rights which Englishmen may claim: and ruled at the same time by the orders of their prince, by the ordinances of a corporation within the realm, by the edicts of an arbitrary ruler, they neither exerted nor claimed exclusive jurisdiction.

At this degrading period of their story, the first assembly was convened in June 1619. And composed of the governor, the council, and of delegates chosen by the hundreds, who having, like the most antient legislators of every society, convened in one apartment, "they debated all matters thought expedient for the colony." The result of their legislative talents does not remain for the instruction of posterity. Thankful to the company for the important change of allowing the planters to participate in the government of themselves, the assembly begged that body "to reduce into a compendious form, "with his majesty's approbation, the laws of England "proper for Virginia." If martial law was not abolished, it was restrained within the limits prescribed by the royal instructions; and justice was thenceforth distributed nearly in the English mode. The colonists determined to perpetuate the plantation, which was at length endeared to them by the recollection of their sorrows. And thus was given for the first time to the settlers a local legislature and a regular administration of right.

But an unexpected scene of troubles soon after opened. Having imported, in 1619, twenty thousand pounds of tobacco, the whole crop of the preceding year, the company experienced vexations enow, when they hoped to derive advantage from their expensive project, no less from the political irregularities of James I. than from the rapacity of the farmers of the customs. The revenue-officers,

officers, with the unsettled irregularity of the times, demanded exorbitant taxes; since the chartered term of exemption had expired by effluxion of time. Month after month that monarch issued edicts to regulate the commerce of what he regarded as "a pernicious weed"; either as he was urged by his antipathies or his poverty, though he was checked by a resolution of the commons, because he presumed to practise that now which Elizabeth had exercised without obstruction. The mind is always gratified by tracing a progress. At the end of seventy years there were annually imported 15,030,135lb. of tobacco, from which other statesmen had learned to derive a revenue of £.104375.

Measures, so characteristic of the age, so adverse to the commercial spirit, probably paved the way for the introduction of freedom of trade into Virginia. Prior to the year 1620, the company had enjoyed under their charters a monopoly of the colonial commerce; under it consignments had been made to their factor, who alone sold the manufactures of Europe and transmitted in return the products of the plantation. But late oppressions taught them to depart from the original system, to relinquish what had depressed the colony without yielding them profit. The Dutch soon discovered where without risque gain was to be made: and the men, who were still fighting for independence, sold the first negroes to the Virginians, who, though scarcely emerged from slavery, reduced fellow-men to bondage. With commercial freedom was introduced personal servitude; and a degrading domination begat on indolence, pride and refractoriness.

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A parliament, composed of the profoundest statesmen to be found in the annals of England, assembled in January, 1620-1. "The decay of money" immediately engaged their deliberations, because they were animated with the temper so natural to man of always deploring the present. It was remarked that Spain had been the fountain of treasure, which was now dried up, since returns had been lately made in tobacco. It was proposed to divert this unprofitable current, by causing it to flow from Virginia and the summer isles. "For, said the parliament-men, we shall enrich those countries under our dominion, and England will be better stored with money when we take our returns in bullion from Spain." It was in vain for the aged to urge, with the prejudice so agreeable to the old; "that tobacco should be wholly banished the kingdom; otherwise it will ruin one hundred thousand men, since it is now so common that ploughmen take it while they are at plough." But the more temperate replied; "that, if all is banished, then the four thousand men now in Virginia will perish, they having yet no other commodity." With the usual predilection for compromise, because in the middle wisdom is supposed to reside, the house resolved "that all foreign tobacco shall be excluded, but that of Virginia shall not be held foreign." And "an act for restraint of the inordinate use of tobacco" was passed, regulating the importation and the subsequent sale either by the hoghead or the pipe; which however was not approved by the legislature, because the proposal was new.

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The company, the planters, the merchants, complained to the commons of "the barbarous usages" of the farmers of the customs. But, though a committee was appointed "to consider how to relieve them, with power to send for the patentees and patents," no redress was given. The commons had not yet acquired their due weight in the scale of the constitution, because they granted little: a prince, learned and profuse, derided the conduct of those, whom he could not consider as wise, since they were parsimonious: and he disappointed their measures, because he deemed the regulation of tobacco too difficult for men who favoured a weed, which he had proscribed as destructive of morals and health. And thus the parliament for the first time turned their attention to the colony; proposing regulation and redress according to the manners of the age.

Disappointed of remedy from the commons, and amused with unsubstantial professions of regard by the prince, the company at length discovered that they might easily evade proclamations which they could not prevent or recal. During the year 1621, they sent their tobacco to Middleburgh and Flushing, whose magistrates grasped at a commerce from which they perceived they should gain the greatest advantage without any expence or risque. A measure, so contrary to the royal design and profit, provoked "an angry rebuke" from the privy-council, who regarded "their trade in the Low-Countries" as no less contrary to the first principle of colonization than "inconsistent with the honour of the state." An order was therefore issued in October, 1621, commanding: "that no tobacco or other productions of the co-

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“lonies shall thenceforth be carried into foreign parts,
“till they are first landed in England and the custom
“paid”: the privy-council assigning these memorable
reasons; “that the king, weighing the advantages that
“this crown and state might receive from a well-or-
“dered plantation in Virginia, granted several immu-
“nities to the colonists, not doubting but that they
“would apply themselves to such courses as might most
“firmly incorporate that plantation into his common-
“wealth; but to suffer a foreign trade is as inconsistent
“with the view in planting Virginia as with the ho-
“nour of the state”. Thus the freedom of the coloni-
al commerce was of short duration: and thus October,
1621, became the epoch of the national monopoly, by
which the connection between the plantations and fo-
reign countries was cut off; which was gradually a-
dopted as a fundamental principle of the code of every
European power, as they acquired transatlantic settle-
ments. Quick-sighted necessity soon discovers modes of
circumvention. And the prohibition of the preceding
year was renewed and even extended in March, 1622.
The ordinances of the privy-council were transmitted
to Virginia; “that the colonists might know how to
“comport themselves therein”: the colonial magistrates
were ordered “to publish them in their courts and to
“look that they be executed.” Driven almost to des-
pair by regulations which were felt, because they were
sudden, the Virginians transmitted a petition to their
sovereign framed in the declamatory style of complaint:
“they besought him in his princely compassion either to
“revoke that proclamation and to restore them to
“their

"*their antient liberty*, or to send for them home, that the
"heathen might not triumph over them".

While the colonists were thus uncertain of their fate, the company endeavoured with a liberal spirit to gratify their former desires, by giving them a form of government remarkable for the wisdom of its policy. In July, 1621, they passed an ordinance by which two distinct councils were established: the one, which was denominated the council of state, was to be appointed by the company for the assistance of the governor; the other, which was named the assembly, was to consist of the governor, of the council of state, and of two burgesses to be chosen by every hundred: the assembly was empowered to consult with regard to the public weal, to enact general laws for the colony, reserving to the governor a negative voice; but they were directed to imitate the forms and the laws, the customs and administration of justice, which were used in England: no acts passed by the assembly were to be in force till confirmed by the general court of the company; no ordinance of the general court was to bind the plantation till assented to by the assembly. Thus we trace to a commercial company the source of those free systems of provincial government that has distinguished the English colonies above all others for their regard to the rights of men. In this famous ordinance we behold the model from which every future provincial form was copied, though varied by difference of circumstance. Wearied of fruitless expence, the company at the same time adopted a measure that their genuine interest dictated from the beginning. Having been driven from the station of merchants, they
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hoped at length to derive an advantage from acting as lords of the soil. To every projector, who proposed to emigrate or to facilitate the emigration of others, they transferred Virginian territory in proportion to the extent of their various engagements. Urged by liberal encouragement, and carried away by a passion for change, three thousand five hundred persons left their homes, during the years 1621 and 1622, to enjoy in Virginia the independence which the possession of land every where confers. Few regretted their departure, because so few perceived in their removal present inconvenience or future embarrassment. The commercial disputes between the king and the company were closed by compromise in 1622; by which they were to enjoy a monopoly of the importation, and he was to share the profits. But a twelve months experience convinced both parties that extravagant contracts are always destructive of themselves: and, though it was afterwards modified, yet they who suffered from this avaricious conflict remarked, that the people found their oppressions no less in the parsimony of the parliament than in the profusion of the prince, because both passions were carried to extremes.

The arrival of successive emigrations now enabled the planters to extend their settlements over the country on both banks of James river, as caprice prompted or convenience directed. But what is convenient is not always proper: the encouragement given to the present desire for dispersed habitation entailed on the colony present hardship and lasting woes. The aborigines have at all times beheld the increase of the new-comers with a jealousy in proportion as they felt their inability to prevent what they vainly deplored; the original seizure of
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their country and the subsequent encroachments on their hunting-grounds. Mutual murders had often been committed, which were atoned for on the side of the strangers, but not always forgotten by men, whose resentment admits of no propitiation, without bloodshed. And a recent pacification of more than usual solemnity inspired only an unsuspicious confidence. The year 1622 will always be remembered for an inhuman massacre of the planters, executed with the usual cunning and cruelty of the American savage. Three hundred and forty persons of every age and sex, defenceless and unresisting, were killed in one day, almost at the same hour. A war of great embarrassment but of no celebrity for some time raged. A famine added its horrors to the dangers of hostility. And of the numerous emigrants, who had been sent thither at a prodigious expence, only eighteen hundred survived those complicated miseries. But, animated at length by supplies from England, the colonists pursued their merciless enemies into their fastnesses; compelling them to retire for ever from the margin of the rivers: and they in future possessed in security that land which their swords had bravely won. A reciprocal hatred then commenced, which for ages administered every ill to both, till the natives became in the progress of events subjected, and by casualties annihilated.

Tidings of these misfortunes gave spirit to the contests which had long distracted the company. The calamities of Virginia were attributed by the court, who envied their power, to their misconduct or neglect. And a commission was issued in April, 1623, to enquire into colonial affairs; into the various grievances of which all complained. With a laudable attention, arms were at

the same time delivered from the tower for the use of the planters. And, owing to the humane exertions of the privy-council, vessels were dispatched, loaded with every thing which could alleviate distress. The commissioners executed their enquiry with great diligence and address. And they soon reported; "that the inhabitants who had survived the massacre were in want and in danger, which ought to be attributed to the company here, who had power to direct the plantations there." Encouraged by information, which it had been the chief design of the enquiry to gain, James did not hesitate a moment with regard to the plan he should follow: he resolved to new-model the company, in order to place the government in fewer hands, preserving the rights of individuals. But, determined to defend their rights with a zeal in proportion to the supposed importance of them, the company refused to comply with the royal request, by accepting of a new patent. And a writ of quo-warranto was therefore issued in November, 1623, on which judgement was given against them in the subsequent year. The suppression of the corporation by a proceeding at law, or rather by an act of irresistible power, made little impression in those days, though it was composed of persons of the first consequence, because what is familiar is seldom striking. And that measure, unjust though necessary, has been attributed, either by ignorance, or by the prevailing propensity to load the memory of Charles I. with obloquy, to the tyranny of his reign. Having at length found leisure for reflection, the adventurers probably discovered that there was some truth in the objection originally opposed to their undertaking; "that the
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“charge would be great, the business long, and the
“gains nothing.”

Though the colonists had driven the Indians in the mean time from their settlements, they were not happy, because they were aggrieved. The governor continued to exercise the power of taxation for some time after he had ceased to legislate, notwithstanding the late ordinance of the company, which with regard to this important privilege was silent, though it formed the foundation of their government. War generally entails expence; and men never fail to complain of burdens when they are no longer apprehensive of danger, even when duties are imposed by lawful authority. And an assembly was therefore convened in February, 1624. The former proclamations of the governors and councils, that had for years formed the chief rules of action, were now enacted into laws, which are the most antient legislative acts, remaining upon record in the province. It was declared; “that the governor should
“no more impose taxes on the colonists without the
“consent of the assembly; that he should not with-
“draw the inhabitants from their private labour to any
“service of his.” The burgesses, envying the privileges of the counsellors, for the first time insisted, “that
“they also should be free from arrests during the sitting
“of assemblies.” While this convention was thus engaged in that most perplexing of contests, there arrived the royal commissioners, Harvey and his associates, who had been sent in the preceding year to inquire into the state of the settlements. But every inquisition is regarded with jealousy. And they were unable to obtain, what seems to have been the chief object of their

voyage, "a declaration of the assemblies' willingness to
"submit to the royal purpose of revoking the charters."
Though few could be found to concur in oppressing the
company, whose servants they had been, yet all agreed
in expressing their thankfulness to the king for taking
Virginia into his special care. And the assembly asked
for favours, though they shewed no inclination to grant
any. They "besought his majesty to confirm the
"then form of government; to grant to the colonies
"the sole importation of tobacco; and, should he send
"the promised aid of soldiers, to allow the assembly a
"vote in the disposal of them, since none could so well
"direct their operations as those so perfectly acquainted
"with the country."

While the assembly thus paved the way to extension
of privileges, to the enjoyment of power, the parliament
met in February, 1624; who, composed almost of
the same members as the last, adopted similar measures.
While the blow was yet suspended over them, the corporation
of Virginia presented a petition to the commons, "praying
them to consider the distressed colony
"and oppressed company." But, though at first favourably
received, it was withdrawn the moment the speaker
announced the king's disapprobation. Though they
were thus frightened from their purpose by the dictates
of a tameness of spirit, which now appears so unworthy
of their station, the commons petitioned their sovereign
"to banish all tobacco not of the growth of his
"majesty's dominions." And in his turn he not long
after complied with their request, and with the prayers of
the planters, because they both agreed with the advice of
his ministers, though on a condition which does honour

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to his wisdom; "that none should be imported but in ships belonging to his subjects." Having received from his agents the most exact information, he applied with more than usual diligence to rebuild the structure of colonial polity which he had thus overturned. In June, 1624, he appointed a committee of the privy-council, "to order the government of the colonies." It was soon discovered, that a local administration within the colony was equally necessary with this new board of superintendence within the realm. And in August, 1624, he granted a commission, nominating a governor and council during pleasure; authorizing them to rule Virginia and to punish the planters, though without stipulating whether by the certainties of law or by the irregularities of will; though without mentioning or intending an assembly, because he thought "so popular a course" the chief cause of recent evils. And thus was a royal government for the first time established in that most antient dominion.

The dissolution of the commercial association, which had thus formed the plantation of Virginia at the enormous expence of one hundred and fifty thousand pounds of the money of that age, was for some time deplored as if the existence of the colonists depended on the cancellation of its charters. They did not estimate the cause of their embarrassments or prosperity, so much by their own inductions, or the experience of others, as by their motives of enmity or regard. It was not immediately perceived, that it was to the singular systems, under which they had been successively placed, they ought to have attributed the misfortunes of the foregoing period. It is by tracing minutely the progress

of their story from the epoch of their appearance alone on the banks of James river that this important truth can be fully discerned. Placed under a three-fold legislation, distinct and uncontrollable; of their sovereign, of a commercial company, of a president and council; what happiness could the original settlers enjoy, or what energy could they exert! The turbulence and the idleness, which resulted partly from character, but more from situation, introduced martial law: they were commanded by a general and directed by inferior officers; and, like soldiers in camp, they were fed by the hand of a commissary from a common magazine. By a relaxation of discipline they were at length allowed to possess exclusively what they had acquired by labour; to enjoy for ever the lands which they derived from an extension of a policy, that was found so convenient to the governors and the governed. The introduction of property invited commerce. The attentions of interest incited the claims of ownership, which ended in the perplexities of dispute. Pretending to no innate rights as a community, the planters at the end of twelve years of wretchedness gratefully accepted from strangers and fellow-subjects, the privilege of a vote in the government of themselves, though their rules were still subject to dissent and their determinations to revision. And, having finally sent their delegates to a convention, which took the name of "assembly," they acquired themselves new protectors, while their representatives claimed additional powers. But, freed from the obstructions of complicated forms by recent change, their government became more simple, and they thenceforth therefore prospered. Though the nation had hitherto
derived

derived little gain from her colonies, the passion of the English for the acquisition of distant dominion continued, without enjoying the benefits of present advantage, or foreseeing the inconvenience of future encumbrance, in raising up in the local assembly rivals to the national parliament.

N E W E N G L A N D.

WHILE the events before mentioned occurred, several attempts had been made to plant Northern Virginia, by a similar company, without success, because the dispensations of nature opposed them. More accurately surveyed by Smith, during the year 1614, that coast, extending from Cape Cod to Penobscot, was for the first time denominated New England, by the prince to whose conduct it owed its settlement. But the adventurers prosecuted, though not without the interruptions of different interests, the trade of furs and of fish, since it was found to be gainful. The Northern, as well as the Southern company, claimed the invidious privilege of monopoly, which, without yielding them adequate profit, involved them in perpetual altercation. And they perceived the necessity of procuring an explicit declaration of their rights by a new charter, which, by giving an advantage to the great, might obtain the patronage of the powerful, whilst the law was yet too feeble to protect the injured.

In order partly to advance the Christian religion, but more "to extend the boundaries of his dominions,"

James I. granted, in November, 1620, that country on the American continent, stretching from the 40th to the 48th degree of Northern latitude, to the duke of Lennox, and his associates, composed of the first peers and commoners in the kingdom, in absolute property : and having formed them into a corporation, similar to that of Virginia, whose privileges had been envied, he empowered them to plant and govern that extensive region, by the name of New England ; to exclude every one from trading within their jurisdiction, or fishing in the adjoining seas.

Notwithstanding the greatness of the patentees, "the grand Plymouth charter" was oppugned by the French nation, because it included part of Acadie, which was claimed and occupied by them under a prior grant of Henry IV. It was opposed by the English parliament, because it excluded English subjects from the freedom of fishery that other nations enjoyed. And the clause of forfeiture, which had been added to enforce submission, was declared to be void, since "it was established by grant and not by act of parliament." Animated by genuine patriotism, the commons introduced a bill, during the session of 1621, "for a freer liberty of fishing on the coasts of Virginia, New England, and other parts of America;" which was opposed by the court, because it was deemed an attack on the prerogative. The arguments of both parties, however inconclusive, are now amusing. The secretary of state, Calvert, insisted, "that those foreign countries ought to be regarded as the king's, since they were acquired by conquest; being not yet annexed to the crown, his majesty may govern such new plantations as he shall think fit:"

and

and he recommended it to the consideration of the house, "whether we shall here make laws for the government of those parts." To these reasonings were opposed such topics as then occurred, and as satisfied the house. It was answered; "that the royal prerogative is not impeached by the present measure, since what is done here is done by the king himself, who hath a negative; that those territories being holden of the manor of East-Greenwich are as much annexed to the crown as it; and we may make laws here for Virginia and New England, because, if the king and lords assent to the act, it will controul the patent." Though approved by the commons, yet the bill was thrown out by the lords, who opposed what was deemed an invasion, not of the rights of distant subjects, but of the prerogative of the prince. The same bill was introduced in 1624 and 1628 with the same success. Yet the strenuous exertions of the commons established finally the freedom of fishing as well as the practice of legislation, which were now denied them, because their perseverance has generally proved successful. The resolutions of the parliament seem to have inserted into every subsequent charter an express reservation of the right of English subjects to fish on the American coasts. In modes of government as in modes of life there is a fashion, which exists, disappears, and revives, in continual succession, which finds partizans during its vogue and deriders in its wane: it was little foreseen in those days that the doctrines which were then urged by the minister, which were afterwards completely exploded, would be again brought forward at a future period to perplex the measures of the court.

New

New England was at length planted by accident after several expensive efforts had failed. A few fanatics, who, tired of the European world, because it denied to them that toleration which they shewed little inclination to allow to others, sailed for Virginia, but were driven by storm on the coast of New England. Here they determined to end a disastrous voyage, since the approach of winter as well as their distresses forbade farther adventure. But sagacity soon discovered that he, who appears to be animated with the fervours of religion, may at the same time be actuated by the most ardent ambition. In order to call in the restraints of consent to the dictates of piety, the emigrants signed a covenant in November, 1620, which recited their intention to plant a colony for the glory of God and the honor of their king and country; which professed their loyalty to their sovereign lord, king James; by which they combined themselves into a body politic, for their better preservation and the making of equal laws. And one hundred and twenty persons soon after landed in the vicinity of Cape Cod, and began a settlement which they called New Plymouth. They chose Carver, who was regarded for his prudence, as governor for one year, and to him they added other officers. They had the good sense to adopt as much of the law of England as they knew and as suited their purpose. When legislation became necessary, the whole freemen assembled and declared their assent to what convenience pointed out; but, though they appear to have been no very skilful legislators, they established regulations which pleased themselves, if they left no examples to posterity. Living at first under the form of a great family, their common labour was applied

ed to supply their common wants; and connected with English merchants, who had enabled them to emigrate, their inconsiderable traffic was for some time carried on for the benefit of both. Of the indigence of individuals, and the poverty of the whole, we may judge from their commercial operations when this mercantile connexion had ceased. It was of importance to them to borrow in London, during the year 1626, £.150 at the monstrous interest of fifty in the hundred, because theirisque was supposed to be equally great. In the subsequent year they obtained, "with no small trouble and "the help of many faithful friends," £.200 more, at a reduced premium of thirty in the hundred. And they repaid what had thus been lent them as soon as they were able; "for, said they, our excessive interest still "keeps us low."

Landed on a desert coast when the winter's severities had already commenced, where they found neither habitations nor food, the Brownists soon experienced the miseries of want and of famine, till death administered relief to the unhappy. The survivors however encountered complicated disasters with fortitude, because they enjoyed their peculiarities without interruption, and governed themselves without controul. They exerted unusual energy, since they were invigorated by the presence of their women and their children, who suffered with them. Yet they did not prosper. An unsociable religion, which cannot easily be described, promoted altercation and excluded emigrants. A barren soil did not reward the labours of the husbandman. But, above all, the pursuits of men were not incited by the enjoyment of exclusive rights; by the consciousness that what each individual

individual acquired was absolutely his. Towards the end of the year 1624, about one hundred and eighty persons inhabited a village, composed of two-and-thirty dwelling-houses, where there strayed "some cattle and "goats, but many swine and poultry." Here during an age they remained, peaceful and unimportant, disturbed only when they reflected, that they had no title to the soil which they occupied. The Plymouth company supplied this want in January, 1630, though they could not confer the powers of government. Though the emigrants had nestled within their jurisdiction, and therefore seemed bound to obey their ordinances, that corporation never sent them a governor or prescribed for them a law. If that society is sovereign, which governs itself in all things, New Plymouth enjoyed complete independence, from her settlement till her final annexation, by the charter of William, to a neighbour, who soon settled in her vicinity, and acquired by greater dexterity superior power and renown.

When to the numbers of this feeble community are added the eighteen hundred which remained in Virginia of the nine thousand persons who had been sent thither during the foregoing period, the English colonists on the American continent at the demise of James I. will amount to nineteen hundred and eighty. This monarch ought to be regarded as their father. It was his colonizing spirit which gave them existence; it was his subsequent attention, because he thought it would confer celebrity on his reign, which nursed them in their childhood. Yet their posterity have been unjust to his fame, because they judged of the propriety of his measures by the maxims of their own times. His colonial administration

tration partook of that wisdom and impolicy, of that vigour and imbecillity, which were the distinguishing characteristics of his rule in England. He governed both according to the maxims of his age, diversified by the peculiarity of temper and the extent of his talents. The wisest lawyers regarded the plantations as territories gained by conquest; and thence inferred, without admitting the distinctions of circumstance, that the king might govern "such newly-acquired countries" by prerogative alone. Viewing them however in a somewhat different light, "as the dominions of the crown," the commons justly claimed the privilege of superintendence and the power of legislation; which were not readily admitted, because the pretensions of each component person of the body politic had been made, but remained undecided. Requiring support from the king during their infancy, the colonies were too feeble to disobey the edicts of prerogative; and though they talked even in those days of "their ancient liberties," while they fled to the commons for protection, they did not insist on inherent rights, since they had scarcely emerged from bondage. From beginnings so inconsiderable have those plantations grown up, in no long period of years, to a magnitude that was not originally foreseen: their progress will appear to have been at all times trusted to chance, though English statesmen received successive warnings; and the present generation now feel the consequences.*

CHARLES

* He who wishes to acquire an adequate knowledge of what may be denominated court-law during the reign of James I. must peruse the writings of Bacon. In the magnificent edition of his works in 4^o. 2 v. p. 504.
he

C H A R L E S I.

INHERITING the principles and the minister of his father, this young monarch "thought fit to declare to his subjects and to the world, that he held those territories of Virginia, of the Summer-isles, of

he treats "Of the king's prerogative in matters of trade and traffic." And he assures us: "1stly, the king may constrain the person of his subjects not to go out of the realm: 2dly, the king may forbid the exportation of any commodities out of the realm: 3dly, the king may forbid the importation of any commodities into this realm: 4thly, the king may set a reasonable impost upon any foreign wares that come into the realm, and so of native wares that go out the realm." The law being thus understood by crown-lawyers, the colonial charters of that reign were drawn in conformity to their judgement: we now perceive the reason why there were inserted in every patent "a licence to emigrate; a permission to export merchandise; an exemption from imposts during a limited term"; and, in the same manner, of similar provisions, which were framed according to the prevailing notions of the times. It is curious to remark, that, it should seem, not only from the passage before cited, but from the argument of Bacon in the house of commons in support of the same doctrines, there once existed, in the law of England, a principle, perhaps a practice, analogous to the internal and external taxation of the colonial controversy, since he contended that the king might establish an impost on exports and imports though he admitted that the prerogative could not impose a domestic tax on lands, or on polls. Even during those days there were individuals who thought the acquisition of American territory disadvantageous to the state. Walker, the learned advocate, who pleaded against the admission of the post-nati of Scotland, "objected the inconvenience of uniting the West-Indies to the crown, should there be a match with Spain." To this Bacon acutely replied: "as for the naturalizing of the Indies; we can readily help that when the case comes; for we can make an act of parliament of separation if we like not their consort." [See Bacon's argument in the case of the post-nati.]

“ of New England, to be a part of his royal empire,
“ which he was bound to protect as any other of his domi-
“ nions; that there should be one uniform course of
“ government through his whole monarchy.” Animated
by the same maxims of colonial policy, he determined
that Virginia should depend immediately upon himself
and not upon any corporation; “ which may be entrusted
“ with matters of trade, but not with the ordering of
“ the meanest state-affairs.” Having thus assumed the
administration, by the appointment of various councils
subordinate to each other in the colony as well as in Eng-
land, he resolved at his own charge “ to maintain the
“ public officers and to supply strength of men, muniti-
“ on, and fortifications, for its defence.” And he pro-
mised, what he seems indeed to have performed, “ to as-
“ sure, by any course that should be desired, the particu-
“ lar rights of every planter.” But indigence induced
him to adopt a measure, which wisdom no less than jus-
tice forbade: he established a rigid monopoly of tobac-
co, which was as yet the sole staple of the settlement;
which he proposed to conduct by his agents; assigning
as a reason, what was probably consonant to the practice
of the times, “ that it was agreed on all sides that the
“ tobacco of these plantations cannot be otherwise ma-
“ naged for their good; whereby foreign tobacco may be
“ kept out and that of the colonies yield a certain price
“ to the owners.” In prosecution of a project, which
few kings or nobles have found to be gainful, every re-
volving season for ten years after produced a royal pro-
clamation, “ for preventing the abusive vending of that
“ merchandise; for prohibiting the planting of tobacco
“ in the king’s other dominions.” And his measures
only

only proved successful in proportion as they were opposed by the interests of merchants and were counteracted by the sentiments of his people.

Actuated by such motives, Charles I. renewed in May, 1625, his father's former appointment of a governor for Virginia, with a body of counsellors, to direct his steps and to legalize the rules, which he might think proper to prescribe. But neither the commission nor the instructions mentioned expressly, or even alluded to, an assembly, nor referred to the law of England as a principle of conduct. Invested thus with legislative power, and authorized to impose taxes, the governor and council ruled the Virginians as a conquered people, till towards the commencement of the civil wars, though they did not for some time feel all the pressures, which ought to have necessarily resulted from the singular infelicity of their situation. Subsequent to the dissolution of their charters, their former magistrates continued to govern them, who, in promoting the prosperity of the province, advanced their own good. And, having eluded the edicts that were successively published to restrain their commerce, the colonists acted with the energy of men, who pursue unmolested the suggestions of interest.

Composed nearly of the same members, and directed mean while by the same sagacious counsels, the parliament of 1626 and 1628 travelled over the same path of colonial policy as their predecessors, but with firmer steps. They attempted to make laws for the colonies with as little success; they contended for a free fishery on the American coasts with rather more effect: and they listened to the complaints of the colonists without being able to give them essential redress. The same
house

house of commons, which compelled the reigning prince to grant the petition of right, passed a bill "for confirmation of the letters patents made by king James "to the governor of the Summer-illes;" because they thought the power of taxation could only be given by act of parliament. Having each shewn, by their conduct, what were their real motives of action, Charles I. and the commons not long after parted, too much offended with each other to meet soon again: they, who separate in dissention with design neither to concede nor to explain, convene to little purpose.

Sir John Harvey, who had already discharged the trust of a commissioner of inquiry, was sent to govern Virginia in March, 1629; animated by the instructions and armed with the powers of his predecessor. Historians, who were not indeed exactly informed, relate; "that he "was severe in his extortions, proud in his councils, "and arbitrary in his government." Where much clamour is heard there is generally some cause. Actuated by the sentiments of their sovereign, who professed to deprive no planter of his private rights, the lords, intrusted with the management of colonial affairs, directed the governor and council, in 1634; "that interests acquired under the late corporation shall not now be impeached; that the colonists shall enjoy their estates "and trades as before the recalling of the patents; "that lands shall be disposed of to freemen as was done "prior to the year 1625." These salutary orders either did not remove the cause of complaint, or they were disobeyed. And the Virginians sent Harvey a prisoner to England, with two deputies to represent their own wrongs and his misconduct. But inquiry found their

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accusations

accusations to have been groundless, at least exaggerated; or wisdom determined, that he, who had been divested of power by improper authority, ought in good policy to be again re-instated. And the governor returned in April, 1637, with a new commission, similar to the old; with a temper to which triumph had taught little moderation. Urged by the reasonings no less than by the pertinacity of the age, the remonstrances of the Virginians became too vehement to be any longer resisted. And, in January, 1639-40, they were freed from the vexation of an obnoxious ruler by the revocation of his powers. Through the gloom, in which that period of their story is peculiarly involved, it is easy to discern, that it was not so much the impropriety of the governor's conduct, as the arbitrariness of his authority, which was successfully opposed. We may thence date the epoch of an over-ruling principle in the colonial policy of England, "that refractoriness always procures concession," which has at all times been attended with the most consequential effects.

The commission and instructions now delivered to Berkeley introduced a real change of great importance, because it was deemed prudent "to give due encouragement to that plantation." For the first time it was declared to be the royal intention, "that Virginia should be regulated, as well in ecclesiastical as in temporal government, according to the laws of this realm." The assembly was again restored, which was authorized to make provincial regulations, yet as near as might be to the jurisprudence of England. Justice was now to be administered by the same forms as were then used within the parent-state. The church of England was
formally

formally established, in order "to prevent innovation
"in matters of religion." Domestic oeconomy was
regulated. Trade with foreign vessels was forbidden. But,
"many ships having carried the commodities of the co-
"lony into foreign countries, whereby the king lost
"his customs, there being nothing answered in Virgi-
"nia," masters were obliged to enter into bond, before
their departure, to bring their ladings to England. Thus
the monopoly of the colonial commerce, which was
afterwards introduced by an ordinance of the parliament,
in some measure enforced by Cromwell, and finally esta-
blished by the act of navigation, was at that time created
by the good sense of Charles I. though he wanted in-
deed what no king of England has ever possessed, power
to carry it fully into execution. And the policy,
which has been attributed by the vulgar to the object of
their admiration, was declared to be "that the staple
"of the commodities of the plantations might be made
"here; that the nation might be benefited, after ex-
"pending so much upon that settlement, by tran-
"sporting thither so many subjects." That com-
mission alone demonstrates how much mens minds
had been opened, with regard to government, during
that reasoning, busy, and contentious, period, from
the commencement of the present reign to the meeting
of the parliament in 1641. Berkley was received with joy
by the Virginians, because he brought with him "a
"constitution to their hearts content."

NEW ENGLAND.

MEANWHILE a new race of men appeared in America, whose peculiar principles will be found, when traced through all their various effects, to have entailed on the colonies numberless woes, on the parent-country the most perplexing embarrassments.

The example of the Brownists of New Plymouth, whose persevering diligence had conquered difficulties, inflamed the spirit of adventure, by teaching men to despise disease and death, when they propagated their tenets or sought for gain. And zealots associated to plant the gospel in New England, at a time when many minds were filled with religious fury or political puritanism. Having determined to transfer to others what they could not plant themselves, the great Plymouth-company granted a considerable tract of that country, which they had been unable to people, in which they could not even possess their envied monopoly, because they had found the fishers sturdy men when invigorated by the support of parliament. And in March, 1627-8, they readily conveyed to Rosewell and his associates an extensive territory, lying around Massachusetts-bay, with such powers of government as they could communicate to others. Urged by their zeal, this association soon detached Endicot thither as their agent with a few planters and servants, in order to form a settlement, which acquired its name from the arm of the sea whereon it was placed; "where nonconformists might enjoy the liberty of their own persuasion."

Endicot,

Endicot, whose enthusiasm qualified him for their purpose, founded Salem, the most antient town of Massachusetts, in September, 1628. He sent proper persons to acquire some knowledge of the surrounding wilderness. And he marched himself to a neighbouring plantation, which Morton had long possessed under a prior patent, where he performed the first exploit for the propagation of his principles: he prostrated the only may-pole that has ever exhilarated New England, because it had scandalized his followers, who regarded gaiety as sinful: nor did he stop to inquire by what right he could thus invade the amusement of men, who owed him no obedience, since they, who set out professedly to propagate modes of faith, are seldom regardful of the means. Yet his attendants were not exempted from the common lot of humanity: they encountered the hardships that had disconcerted former adventurers; they were afflicted with similar distempers, till death put an end to their trials, in a manner nearly alike.

Meanwhile the association discovered that they had engaged in an arduous undertaking, which required great present expence, unattended with immediate advantage. It was not easy to procure the aid of wealthier men, who doubted whether the company possessed, from the grant of a corporation, adequate powers of government. And the original proprietors obtained therefore, through the friendly solicitation of lord Dorchester, the royal confirmation of their patent, though the reigning prince had lately declared to the world, "that such a company ought not to be entrusted with the management of state-affairs, be they of never so mean a consequence." In March, 1628-9, that mo-

narch confirmed however the grant of the prior year. He incorporated Rosewell and his associates, "for the purpose of disposing of the territory and governing the people there." He empowered them to transport such subjects and others as should not be restrained, who were, notwithstanding their emigration, to be regarded as his native people. The sovereign, who, according to the practice of the preceding reign, had exercised taxation, exempted the company and the colonists from imposts for a limited term. The general court, to be composed of the governor, assistants, and freemen, of the company, were authorised to make ordinances for the colony, provided they were consistent with the laws of England. And, by a general clause, he conferred the usual powers granted to other corporations within the realm. Though the professed design of the adventurers was "to propagate the gospel," by forming an asylum for nonconformists, all mention of religion was studiously avoided, because it was contrary to the temper of the age to grant liberty of conscience; and, when he required "that the oath of supremacy should be administered to every emigrant," he contradicted their avowed principles, since they no more admitted the ecclesiastical authority of the king than they regarded the infallibility of the pope.

Defective as the royal charter was, when considered as a provincial system, it is curious to trace how much dexterity extracted from it: inapplicable as it was to the design of those who procured it, the corporation proceeded with the greatest alacrity to execute its powers. They detached a small colony, with every requisite for a voyage of length and for a settlement of permanence.

In

In April, 1729, the general court established the most antient local government of Massachusetts: investing the administration in a president and council of thirteen, whose members were to be chosen; seven by the corporation; three by the governor and council; and two by the planters. Endicot was appointed the first chief ruler. The president and council were empowered to prescribe rules of action for the colonists, regarding the laws of England as their chief pattern. Thus the settlers were subjected to a three-fold legislation; to the ordinances of a corporation within the realm; to the rules of an internal government, over which they possessed little influence: and to the edicts of their sovereign, which were however as little regarded then, as they have been in every subsequent reign, since they could not be enforced.

The second emigration found Salem to consist of a few miserable hovels, inhabited by a colony of one hundred persons, who had yet been unable to procure themselves food. Both parties expressed, at meeting, as much joy as foes to mirth can shew; the first planters, because supplies were arrived; the new, that they had met on a desert shore associates in the same cause. Having traversed an ocean, to propagate what they deemed the gospel, they soon appointed a day "for the establishment of church order and discipline." In August, 1629, they established a religious society, by entering into a characteristic covenant, and signing a peculiar profession of faith, which formed the seed-plot of the independent churches of New England. And now the men, who satisfied the scrupulous discretion of the elders, with regard to sobriety of conversation and

orthodoxy of belief, were admitted to fellowship. None of the emigrants had taken the oath of supremacy before their departure, which the charter had cautiously required; which was at present forgotten by all, when its effacacy had been of real use: nor was the royal consent applied for, when it was the most necessary. The colonists had a right to freedom of thought, and of action, no less from nature and christianity than from the common law of their fathers, which enforced both; but neither gave them a privilege to persecute. Yet, reflecting on what they had suffered from her oppressions, the fanatics gave a stab to the church of England, which she never recovered, since her chiefs were expelled by Endicot, who feared for the fate of uniformity when he saw them establish a separate society on principles, that he thought destructive of his own. Neither liberality of sentiment nor moderation of conduct was indeed to have been expected from either party, because it was an age of much less charity than zeal.

While the nonconformists thus promoted conformity by persecution, because they had themselves been persecuted, one of the most singular events to be met with in history occurred in England. At the general court of July, 1629, Cradock, the first governor, proposed, “for the advancing of the plantation, for the inducing of persons of worth and quality to transport themselves thither, and for other weighty reasons, to transfer the government to those who shall inhabit there; and to continue no longer the same subordinate to the company here.” Extraordinary proposals naturally occasioned debate. And the conclusion was deferred to the next meeting, though it was now agreed

“to

“ to carry the matter secret in the mean time, that it be
 “ not divulged.” The principal leaders, Winthrop,
 Dudley, Saltonstall, who enjoyed affluence in their na-
 tive land, but who feared more than they suffered, asso-
 ciated not long after “ to pass the seas and inhabit New
 “ England, provided the patent be first legally transfer-
 “ red to remain in the plantation.” When the general
 court assembled it was easily resolved, because pre-deter-
 mination avoids difficulties, “ that the government of the
 “ colony be transferred to New England.” And they
 executed their purpose with a vigour prompted by their
 zeal, and with a success gained by their prudence. But
 those transactions, no less irregular in themselves than
 inconsistent with the interests of England, were still
 kept secret, that no measures might be taken to prevent
 the removal of the corporation beyond the ordinary
 reach of law. The company held their last general
 court on board their fleet, on the 23d of March, 1629-30.
 And their last act was “ to send an humble request to
 “ the rest of their brethren of the church of England,
 “ for the obtaining of their prayers, and the prevent-
 “ ing of misconstructions.”

But, though this manifesto, which was drawn with
 their usual art, was published the moment they had sail-
 ed, it did not obstruct the views of the sagacious, who saw
 their true designs. Suspicion is ever watchful. Men
 of discernment remarked; “ that religion is the cloak
 “ of this work, but under it is secretly harboured fac-
 “ tion and separation; ill-affected minds, who, under
 “ the pretence of planting a colony, mean to draw
 “ themselves apart, and, by removing, free themselves
 “ from our government.” In order however to blunt the
 force

force “ of scandalous reports, as if they intended, by
 “ their emigration, to erect a seminary of faction and
 “ separation,” their professed apologist replied; “ it
 “ may justly be admired what the cause should be, that
 “ men of contrary minds should so strangely concur in
 “ the jealousies and dislikes of this work, neither op-
 “ posing the former colonies, which drew away two
 “ for one of those who are yet passed over to New Eng-
 “ land, unless it be that the best works find commonly
 “ the worst entertainment among men*.” He however,
 who opposes general reasonings to acknowledged facts,
 seldom procures conviction; he, who attempts to over-
 throw suspicions founded on truth, will generally write
 without gaining his end. And thus, by removing the
 corporation from its antient scite, the foundations of in-
 dependence were laid with an artificial hand on the
 broad basis of exemption from controul.

Dissatisfied with their present condition, because, hur-
 ried away by their ardour they expected every thing
 from change, fifteen hundred persons emigrated to Mas-
 sachusetts, during the year 1630, under the conduct of
 Winthrop; who were provided with all that they must
 carry with them who purpose to plant a wilderness.
 “ They found, says Smith, who lived at the time and
 “ knew their story, fourscore of those who had gone
 “ before them dead, the rest sick, nothing done, but
 “ every one complaining, and all things so contrary to
 “ their expectation, that now every monstrous humour
 “ began

* We meet with those remarkable anecdotes, which shew the objections
 of the age, in a pamphlet published in 1630, “ for the satisfaction of
 “ those who questioned the lawfulness of the action,” entitled “ The
 “ planters plea.”

“ began to shew itself. This trial of their patience
 “ caused among them no small confusion, and put the go-
 “ vernor and his council to their utmost wits: some could
 “ not endure the name of a bishop, others not the sight of a
 “ cross or surplice, others by no means the book of
 “ common prayer. This absolute crew of the elect,
 “ holding all but themselves reprobates, now make
 “ more haste to return to Babel, as they term England,
 “ than to enjoy the land they called Canaan. Those he
 “ found Brownists he let go for New Plymouth, two
 “ hundred he was content to return to England.” The
 emigrants assumed naturally the familiar regimen of a
 great family, which little religious societies are so prone
 to adopt, rather than the chartered form of a corpora-
 tion, that they had so lately contemned. Suspicion of
 incontinence in wives and levity in husbands, slander
 and idleness, stubbornness and contempt of magistracy;
 all were corrected by the governor, as the patriarch had
 anciently punished his domestics. Men of that age, who
 did not favour their principles but who had observed
 their policy, foretold what experience has now determi-
 ned to have been well founded: “ that the air of New
 “ England and the diet, equal if not excelling that of
 “ Old England, besides their honour of marriage, and
 “ careful preventing and punishing of furtive congref-
 “ sion, give them and us no small hope of their multi-
 “ tude of subjects and future puissance.” Yet, though
 the town of Boston was founded soon after their arrival,
 it had only been reared to the state of a petty village at
 the end of eight years, notwithstanding it had become
 their metropolis in opposition to Salem.

The

The first court of assistants, which enjoyed from the charter executive and judicial power, and assumed now the legislative, assembled in August, 1630. Their first ordinance shewed what was their first object; by declaring that houses should be built for ministers at the public expence. They turned their next attention to the providing of habitations; and they regulated the price of labour. The governor, deputy-governor, and four of the assistants, were empowered to reform abuses by correcting misdemeanors. But, on those who avowed dissimilar sentiments in religion, punishments were inflicted, which enthusiasm could alone dictate or approve: they transported sir Christopher Gardner to England, because he was accompanied in his retreat by a comely woman, and was said to be a papist; they expelled Morton, who was a poet and a wit*, after burning his house, because he was supposed to have taken a canoe from the Indians; who were thus courted though not feared. Yet none could claim a trial by jury till 1634, when it was introduced by positive ordinance, since the common law of England was supposed to be inapplicable to a chosen people. Grand juries were established in the same manner during

* Disappointed of redress from the sovereign whom he loved, Morton endeavoured to do justice to himself. He printed at Amsterdam, in 1637, "New English Canaan; containing an abstract of New England." A narrative of 188 pages, conceived with considerable judgement, and executed with unusual elegance; in which he ridiculed "the Separatists" with unappeasable severity. He took notice of a circumstance, which has at all times continued: "how divers persons, not so well affected to the public-weal as out of respect to their own private ends, have laboured to keep both the practice of the people there, and the real worth of that eminent country, concealed from public knowledge."

ring the subsequent year, as with the increase of population crimes began to multiply. And thus experience demonstrated what indeed had been foretold, that, as causes produce in the physical world their correspondent effects, real principle never fails to beget in the political system its consequential action: that they, who within the realm opposed the church of England, when subject to her coercion, would naturally neglect her ceremonies when placed beyond the ocean: that they, who did not admit the supremacy of their prince prior to their emigration, would in their new situation certainly disregard his authority: that they, who despised human learning as inefficacious, would consequently prefer the Jewish jurisprudence to the approved customs of their fathers.

The first general court, composed as the charter required, of the governor, the assistants, and of the whole freemen of the corporation, met in October, 1630. As if they had been an independent people, their first act was to new-model their constitution, by declaring, that in future the freemen should choose the assistants, who might appoint the governor from their own body; by empowering the assistants to make laws and to nominate officers. But an innovation so contrary to the charter, so inconsistent with popular power, did not long continue. Having extended their views with their augmentation of numbers, the freemen declared, in the subsequent year, "that they alone had a right to elect the governor and assistants." With the same spirit of change they enacted what has at all times greatly influenced their affairs, "that none should be admitted to the freedom of the body politic, or enjoy the right of suffrage

“suffrage, or act as a magistrate, but church-members.” Their enthusiastic ministers having the right to approve the orthodoxy of principle and the regularity of conduct, few could establish an adequate qualification for church-membership. A law, thus framed by intolerance, in order to invest all power in a party, continued to administer every evil of oppression, notwithstanding the rational exertions of Charles II. till the revocation of the charter introduced more genuine freedom, though their forms became less democratic.

The men, who had been driven from Massachusetts by incompetent authority without adequate cause, applied to their sovereign for redress. But the privy-council dismissed their complaint in January, 1632-3, since “the things informed, being denied, rested to be proved by persons from the place;” declaring, however, “that the general government is in due time to be farther inquired into.” The attention of the king’s ministers was at length awakened by the prodigious emigrations to New England during the year 1633. Alarmed when they heard “that great numbers, known to be ill-affected and discontented with ecclesiastical and civil government, resorted thither,” they gave directions in February, 1633-4, “to stay the ships and passengers till farther orders.” Cradock, who first moved for transferring the corporation to Massachusetts, who was then before the privy-council, was required “to bring the letters patents to the board.” And having discovered from his confession, what seems to have been hitherto unknown, “that the charter was in the hands of the governor in the colony,” the awakened ministers determined to reform what it was too late to prevent.

So

So great had been the emigrations, because obstruction had only incited the desire of removal, that, before the year 1634, the plantations extended thirty miles around the capital. Influenced no more by the ruling oligarchy at Boston, the freemen adopted a measure, that at once destroyed the power of the governor and assistants, and gave rise to events, the consequences of which are now felt. When in May, 1634, the general court assembled, twenty-four deputies claimed a right to vote for the whole freemen, who were now too numerous, as well as too much engaged, to attend in person to the making of laws. A demand, which introduced an innovation so destructive of the charter, was too powerfully supported to admit of denial. Such is the origin of the second body of delegates, which appear in colonial jurisprudence, since Virginia certainly enjoyed the first, and Maryland the third. Yet, chosen equally by the freemen, the governor and assistants continued to sit with the representatives till 1644; when, after various contests for power, the representatives became a separate branch of the legislature; enjoying thenceforth all the importance annexed to distinct deliberation. Conscious of this signal irregularity, the rulers have in every period endeavoured to conceal what they dared not avow. When during the reign of Charles II. the lords of the council for colonies asked their agents "of what persons the general court were composed?" they answered, "of the governor, the assistants, and freemen, as the patent expressed." Owing partly to ignorance, but more to prejudice, their historians have inculcated similar impositions. From that epoch, when the delegates acquired the chief influence, because they at the same

same time gained the privilege of granting, or withholding money, the charter was seldom regarded, except when it was drawn from obscurity to repel the claims of England: in after-times the present innovations were equally claimed, as chartered rights, with the genuine provisions of the patent, and were therefore supported with the same zeal.

The colonists became at length dissatisfied with adjudications, various and contradictory, since every magistrate decided according to the equity of his own mind, without established laws to inform their judgement, or former precedents to direct their practice. Dissatisfaction soon swelled into clamour; and continued complaint produced ultimate reformation. Necessity indeed sometimes demanded special regulations for inconveniences as they arose. But it was not till after fourteen years deliberation, that committees, formed of magistrates, of ministers, and elders, produced a code, which being ratified by the legislature, was first printed in 1648. It contains not the most distant allusion to the laws of England, since it was compiled chiefly from the Jewish system, which was now adopted, because it had been given to an elected people: and the common and statute laws of their fathers were no more regarded in Massachusetts than in Germany or in France; as they were deemed inapplicable to the condition of men, who thought themselves equally chosen. We ought naturally to expect that justice would not be administered in the name of the king, because they did not love the appellation, but under the direction of "the authority," since they affected the state of a common-wealth.

During

During an age of innovation contests of every kind naturally arose among an enthusiastic people. And notions in religion and in politics, the most extravagant and pernicious, were propagated with a zeal, equal to the fervour of the times. Williams, a popular preacher of Salem, having refused to retract what were deemed his errors, was expelled not only the church, but the colony, though not without great disturbance and some opposition. His disciples were too faithful to desert him in his distress. He journeyed southwards to the Narraganset-bay; and, during the year 1635, he established, with the consent of the aborigines, the plantation of Providence; which he long ruled as a patriarch; which he rendered respectable, no less by the effusions of his benevolence, than by the prudence of his policy.

Tired of contest, or dreading violence, a few colonists were conducted from the vicinity of Boston by Pynchon and Hooker; who, penetrating westward through the desert, formed a settlement on the margin of Connecticut river, in June, 1636. Here was an occasion which displayed the principles and practices of all parties. Nothing could be more natural than for Massachusetts to reason and act as an independent state. The general court insisted, that, since the inhabitants were tied to each other by the oath of a freeman, they could not separate without the consent of the whole: and they granted permission to emigrate, after an opposition which only invigorated desire; regarding, with the fondness of parents, those as citizens in their new establishment, who had once been members of the old. Directed by the maxims of sovereignty, they sent with them a commission unexampled in jurisprudence: having recited

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that the lands which the emigrants intended to possess were without the limits of this commonwealth; that the jurisdiction was challenged by certain noble persons in England, whose intentions were unknown; they empowered Ludlow to rule and to punish their new subjects, and even to convene a general court, because in every situation government is necessary. The planters however soon contemned that commission as informal, or disregarded its powers as inadequate. And they established, by association, a body politic for themselves, under which they enjoyed the pleasures and the importance of self-rule, till Charles II. gave them a charter. Massachusetts continued however for some time to assert her powers of jurisdiction, because few communities, having once enjoyed superiority, relinquish their pretensions without a contest. When Connecticut at length refused obedience to the general court, and denied appeals to Boston, she then acquired real independence on the colony which claimed her submission.

Urged by the vehemence of the times, which had thus laid the foundation of Connecticut on the most faulty basis; which induced men, when impatient of restraint, to abandon the place of their nativity; a small emigration arrived at Boston, in June, 1637, under the conduct of Eaton, a merchant, and of Davenport, a minister. These leaders were courted to land by every topic of persuasion: but they naturally preferred the importance which the founders of a colony acquire, to the honours that must have been exercised subordinate to others. And they sailed to the confluence of the river Connecticut, where they landed in the vicinity of the Dutch, at New Amsterdam, notwithstanding their remonstrances

frances and their threats. Having no charter to execute, they established, by voluntary compact, a government, civil and ecclesiastical, extremely analagous to that of Massachusetts, because men animated by the same principles admire the same forms. They disregarded the laws of their fathers, since they had thought them rigorous and deemed them now inapplicable: they shewed the extent of their fanaticism, as well as of their self-sufficiency, by abolishing the trial by jury, which wise men had approved, and brave men fought for. Such is the commencement, and such the maxims, of the little colony of New Haven, which enjoyed the gratifications of sovereign insignificance, till it was annexed to Connecticut, without its consent, by the charter of Charles II.

When mens motives necessarily lead to disunion, it is not easy to preserve concord. The independents had not yet been taught forbearance by sufferings, nor moderation by adversity: and expedients were proposed without success to a people who did not know, that toleration blunts the edge of controversy, and, if it does not procure unanimity in opinion, at least enervates the turmoil of action. In Massachusetts sects necessarily begat sects, whose tenets were too subtile to be then comprehended; whose names were not long remembered, when their practices became generally known and despised. Altercation grew up to animosity, and the malignity of religious and political controversy rose almost to civil war. With design to remove distraction, a synod of the churches was for the first time called, by order of the general court, in August, 1637; still supposing that the supremacy of the king did not exist, though the charter had expressly recognized it. In that famous

convention of ministers and elders, of women and men, Mrs. Hutchinson displayed the hypocrisy of tears: in it, at the age of six and twenty, Vane, the younger, learned the arts of low intrigue, of mean dissimulation, which he not long after practised on a greater stage. The synod condemned eighty-two erroneous opinions, which had been propagated by the enthusiastic zeal of various sectaries of every sex. And, adopting literally the practice of the popish clergy, during the darkest ages, the churches called in the aid of the magistrate, to enforce the dogmas of the ecclesiastic; to amputate the member that they wanted skill to restore. Several persons were disfranchised; many were banished: and dreading insurrection from the town of Boston, which even then had given specimens of turbulence, the general court disarmed the inhabitants and prohibited defamation of magistracy.

When men were thus sent into banishment, because they practised in Massachusetts the lessons which had been previously taught them in England, they sought for repose and security beyond the reach of persecution. A colony, led by the fair hand of Mrs. Hutchinson, journeyed southwards on the path of Williams, and formed a settlement in his vicinage, which soon acquired the name of Rhode Island. Having procured a title to the soil from the aboriginal owners, for a satisfactory consideration, the emigrants, by copying the example of their neighbours at Providence, entered into a similar compact of government; which gave a liberal toleration to every sect, and ample protection to every man. And having thus assumed the dignity of an independent community, and offered shelter to those who fled

led from the pursuit of bigotry, Rhode Island was soon enriched by her diligence and her commerce; and constrained by her populousness to send colonies to the adjacent shores.

Jealousy in the mean time urged England to observe the conduct of the New English, who were said "not so much to aim at new discipline as at sovereignty;" and to reclaim those to her government, who "accounted it perjury and treason to speak of appeals to the king." A commission, directed to the great officers of state, was issued therefore in April, 1635, "for regulating the plantations." After reciting, that great numbers of the people of England had been permitted to deduce colonies, in order to enlarge the territories of the empire, it invested the commissioners "with a power of protection and government;" with authority "to make laws concerning the state public, or the rights of individuals, to revoke such letters patents as had either been unduly obtained, or the liberties of which appeared to be hurtful to the crown." A commission, which was then regarded as legal, because the king exercised legislative power, was not allowed to remain long in dormant inactivity. Of the conduct of Massachusetts complaints were continually made, because her oppressions became daily more severe. And against her charter was issued, in 1636, a writ of quo-warranto, which, if we may believe Jones and Winnington, who, as attorney and solicitor general of Charles II. had inspected the record, was neither so brought, nor the judgment so given, as to cause a dissolution of the patent. It was from the epoch of this proceeding at law, that the ministers of England found continual cause to la-

ment the difficulty of drawing, within the jurisdiction of English judicatories, subjects who lived beyond the ocean.

Meanwhile assembled in April, 1635, the great Plymouth company, consisting of the first nobility and gentry in England, in order to record, for the satisfaction of posterity, the reasons that induced them to resign a charter from which they had derived little honour or advantage. With this design they declared; "that the
" Massachusetts patentees, having surreptitiously obtain-
" ed from the crown a confirmation of their grant of
" the soil, had not only excluded themselves from the
" public government of the corporation, but had made
" themselves a free people, and for such hold them-
" selves at present; framing unto themselves new con-
" ceits of religion, and new forms of ecclesiastical
" and temporal government, punishing divers that
" would not approve thereof, some by whipping, and
" others by burning their houses, and some by banish-
" ment, under other pretences indeed, yet for no other
" cause save only to make themselves absolute masters
" of the country, and uncontrollable in their new laws." Such were the reasons which reduced the council of Plymouth to the necessity of requesting their sovereign
" to take the whole business into his own hands." Never did any nation derive so little benefit from so powerful an association, to whom was entrusted the government of an extensive dominion, because in all monopoly there is an interestedness that repels the affections of mankind. Never did any commercial company draw so little profit to themselves, though their affairs were conducted by philosophers, with sir Kenelm Digby at
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their head, since they were envied and opposed. Never did the legal proceedings of any corporation create so much subsequent controversy, though they had been advised by sir Henry Spelman, who was himself a member, and at the same time their standing counsellor*.

As every charter was now supposed to have been either cancelled or resigned, Charles I. assumed the government of New England in July, 1637, in order "to redress the mischiefs that had arisen out of the many differing humours;" and he appointed over it sir Ferdinando Gorges, as governor general, "whose gravity, moderation, and experience, gave hopes of repairing what is amiss in that disjointed settlement." But that loyal gentleman was invested with powers which could not be executed among such a people, during such a season, without an army; and his sovereign had no army to send. During the years 1637 and 1638, proclamation followed proclamation, "to restrain the transporting of subjects to the colonies; whose principal end is to live as much as they can without the reach of authority." Charles I. is said to have increased the

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complaints

* It may gratify a reasonable curiosity, to be made acquainted with the members, who at that meeting formed that memorable resolution; some of them have left names the most celebrated in the English annals.

Lord Gorges, president,
Marquis of Hamilton,
Earl of Arundel and Surry,
Earl of Southampton,
Earl of Lindsey,
Earl of Carlisle,
Earl of Stirling,
Lord Matravers,

Captain Mason, vice-president,
Lord Alexander,
Sir Ferdinando Gorges,
Sir Kenelm Digby,
Sir Robert Mansel,
Sir Henry Spelman,
Sir James Baggs,
Mr. Montague.

complaints of his people by a double persecution, who were vexed at home, yet not suffered to seek peace abroad. Urged by all those reasons, the privy-council dispatched an order to Massachusetts, in April, 1638; "commanding Winthrop, or any other in whose custody the letters patents were, to transmit the same by the return of the ship; being resolved, in case of contempt, to cause a strict course to be taken against them." The rigours, which were thus threatened to others, were by a singular reverse of fortune not long after inflicted on themselves, when they resigned the colonists to their own pursuits, that the royal counsellors might turn their undivided care to the calming of domestic troubles.

We must carefully distinguish between the emigrants of 1620 and those of 1630, if we would form an accurate judgement of the founders of New England. In one characteristic indeed they both agreed, as they were all puritans of the most rigid kind. The settlers of New Plymouth appear to have been men of great zeal with little knowledge, who exerted an industry and perseverance, prompted by their indigence. The principal planters of Massachusetts were English country-gentlemen of no inconsiderable fortunes; of enlarged understandings, improved by liberal education; of extensive ambition, concealed under the appearance of religious humility. The ecclesiastics of the first were at once ignorant and enthusiastic: the clergy of the second, having derived their scholastic knowledge from Oxford and from Cambridge, possessed rather more than a competent share of learning, that they did not however bequeath to their successors; and, having found objections

ons to the church of England, of which they had been members, in the innovations of the age, endeavoured to discover the truth in every extreme. The savage vulgarity of both classes gave them considerable influence over the minds of the multitude; whose manners they formed; whose inclinations they directed to that love of equality, that impatience of restraint, which strangers in after-times attributed to "a levelling principle." And to this source may be traced up the genuine causes of the various events of their annals; of those that are already past, of those that are yet to be mentioned. Informed by the counsels of such leaders, and inspired by their enthusiasm, the general court perceived that it would be equally dangerous to comply with the order of the privy-council, or to refuse. And they transmitted, in September, 1638, a petition to the lords commissioners for colonies, drawn in characteristic language: they professed not to question their lordships proceedings, but only to open their griefs; had they offended in any thing, they prostrated themselves at the footstool of authority: they begged for time to answer before condemnation; and they represented, that, should their patent be taken from them, "the common people will conceive that his majesty hath cast them off; and, hereby freed from their allegiance, will be ready to confederate themselves under a new government." From this remarkable transaction, the rulers of Massachusetts learned what advantages might be derived from distance of situation no less than from the embarrassments of the parent. In subsequent times they practised successfully the lessons, which during that period of distraction they acquired diligently. And, while Eng-
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land was unhappily engaged in civil war, they settled their forms, they extended their plantations, and established their independence, as had been foretold, when, by sailing beyond the ocean, they eluded in future the remark and operations of controul. Happy, for themselves and the world, had they followed an advice, which even then was pressed on them by the wise in the language of the apostle: "not to think more highly of themselves than they ought to think, but to think soberly."

M A R Y L A N D.

DURING an active age, when mens minds were turned to the projects of peace, because they were restrained by a pacific prince from the exploits of war, sir George Calvert, the friend of Strafford, engaged in colonization. Having long acted as a zealous associate of the great companies, which had undertaken to plant America, he was induced by their unprofitable adventures to desire exclusive ownership. And he obtained from James I. whose secretary he had been, a liberal grant of Avalon in Newfoundland, where he formed a settlement, and for some time acted as law-giver. But, dissatisfied at length with the barrenness of soil and coldness of atmosphere, he was enabled by the munificence of Charles I. who lent him a ship to prosecute discovery, to find in Virginia a happier climate and more fruitful glebe.

Yet he lived not to taste the fruits of a plantation, which his enterprising genius had conceived rather than formed. And there was granted, in June, 1632, to Cecil,

Cecil, then lord Baltimore, the heir of his abilities and his title, a considerable part of that most antient dominion, on the usual motives of "a laudable zeal" for propagating the Christian religion, and for extending the territories of the empire." Bounded on the North by New England, and on the South by the river Potowmack, the intended settlement was separated from Virginia, and subjected to the crown of England alone. The proprietary was invested with the honours of a count-palatine, by a reference to the antient rights of the bishops of Durham, which conferred regal jurisdiction. He was empowered to transport settlers, who could not emigrate without the royal licence; who were to continue English subjects, in their new habitations, and were to enjoy consequently the privileges of subjects. The authority, conferred on Baltimore, was truly royal; the immunities granted to the colonists were extremely extensive: but nothing was reserved to the king, or to the nation, except general sovereignty, that neither contained immediate superintendence, nor ensured necessary controul. The law, as it was then understood, and the anecdotes of the times, furnish satisfactory explanations of that accurate charter. Having been literally copied from the prior patent of Avalon, which had been granted, in 1624, to the father by James I. who exercised legislation and conferred exemptions, it naturally contained a clause, that had been found in the former, exempting the provincials from imposts. Continuing to exercise the same powers as his predecessor, Charles I. now inserted, in the charter of Maryland, the celebrated covenant with regard to subsidies; which he six years after introduced into the grant of Newfoundland, when he imposed a tax. And
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the attorney-general Noye, having corrected the patents of both, formally gave the sanction of his approbation to those claims and exertions of prerogative, for which sir George Calvert himself had so strenuously pleaded in the house of commons during the last reign. And thus Maryland acquired the pre-eminence of being the first of all the colonies, which was professedly erected into a province of the English empire.

Accompanied by a few Roman Catholic families, who fled from the persecution of the puritans, more than from the tyranny of the penal statutes*, Calvert formed a settlement on the northern bank of the Potowmack, in March, 1633, with the consent of the aboriginal owners. While he cultivated the good-will of the natives, he engaged the support of his followers, by giving every freeman a property in the soil, which his interest engaged him to defend. Actuated by policy more than by enthusiasm, he did not copy the martial system of the South, nor did he adopt the religious follies of the North. And the plantation prospered in proportion as the individual enjoyed in safety what he regarded

* During every session of parliament, in the time of James I. and his successor, the puritanic members complained of the increase of popery, and moved for additional bills to restrain it. In 1621, Pymme took the lead in bringing forward "an act for the explanation of former laws made against popish recusants." [Parl. Deb. 1620-1. 2v. p. 17.] When sir John Culpeper made his famous speech, in 1641, "concerning the grievances of the church and commonwealth," he did not forget to mention, in the first place: "the great increase of papists, caused by the remission of those laws, which are made to repress them; the life of our laws is execution, without which they become a dead letter; this is wanting and a great grievance."

regarded the most; the rights of property, the privileges annexed to political importance, and, above all, an absolute toleration of his conscientious principle and practice, during a period, when every sect demanded tolerance, yet none had the generosity to grant it.

While the Virginians received the planters, who thus nestled in their neighbourhood, with affected civility, since they had been recommended to their good offices by their common sovereign, they resolved to maintain the powers of the prior settlement. No community was ever deprived of jurisdiction without complaining. When the charter had scarcely been sealed, they represented to Charles I. "how much they should be injured, if they were divided into several governments." Both parties were heard before the privy-council, in July, 1633. Under a licence to traffic, Clayborne, "the secretary of state of Virginia," claimed part of Maryland, where he had formed a settlement, in order to facilitate his commercial intercourse with the original occupiers. But, against the patent it was not alleged, that it had been surreptitiously obtained; that the previous plantations of the Dutch and Swedes on the Delaware had been concealed with a criminal design, which had invalidated the royal purpose. Such topics were reserved for after-times, when facts had been forgotten. Influenced by Strafford, the privy-council wisely "thought fit to leave lord Baltimore to his charter and the complainants to their course at law." Maryland gave the first example of the establishment of a province, which should enjoy equal rights and separate jurisdiction, by the partition of a more antient dominion: the territory was regarded as the king's, which

which he might therefore transfer : the powers of government had assuredly flowed from him, which he might consequently confer on one, whom he thought worthy of trust. And thus Virginia was subjected to the mortification of seeing her territory dismembered contrary to her inclination.

Like all others, who had undertaken to perform the same difficult task, the Marylanders lived for some time under the domestic regulation of a feudal chief rather than the provincial system established by charter. While they were yet usefully occupied in rearing habitations and in the providing of food, there would be little necessity for legislative rules or judicial determinations. The first assembly composed probably of every freeman, while their numbers were few, was convened, in February, 1634-5, nearly two years after their arrival on the river St. Mary's. But of their transactions it is now only known, that, "among other wholesome laws," they declared, "that all felonies shall be punished with the same pains as for the same crimes in England." They sent their acts to the proprietary for his assent, whose confirmation seems to have been essential to their energy ; who, while he disapproved of theirs, transmitted a code of his own composition, to be by them enacted into rules. In the mean time, the public repose was somewhat disturbed by the intrigues of Clayborne, who, dissatisfied with the judgement of the privy-council, infused a jealousy into the Indians, and denied that submission to Maryland, which he insisted belonged to Virginia alone. But, convicted of murder, piracy, and sedition, crimes, that seem to have been inferred from his opposition, he was driven without much

much resistance from a province, which he was doomed at an after-day to command. As he lived to feel the pangs of penury in his old age, his final fate has left an example to the world, that, though moderation is not always the most splendid, it is generally the most safe.

As the province gradually filled, by the arrival of additional planters, the exertions of the legislature became more necessary. The second assembly, which was convened in January, 1637-8, in their turn rejected the laws of the proprietary. But, though they sat two months, they seem to have been unable to frame such a code as to please both parties; so difficult is the work of legislation before men have adopted customs, which, proceeding from themselves, they willingly obey.

Regarding his expulsion as an injury, and relying on the support of Alexander, the Scotch secretary of state, Clayborne applied to his sovereign for a confirmation of his title to the isle of Kent, which he claimed from a licence under the privy-signet of Scotland. Since the disputants could not compromise their claims, the lords commissioners of colonies finally decided this controversy, tedious rather than perplexing, in April, 1639. They determined; "that the lands in question
" absolutely belonged to lord Baltimore, and that no
" plantation or trade with the Indians should be suffered
" within his limits without his permission; that, with regard to the violences complained of, they saw no cause
" for relief." Clayborne disregarded an authority which had now been greatly shaken; and he meditated mischief, since he thought himself wronged.

Meanwhile the affairs of the provincials held their natural course. They engaged with energy in the pursuits

suits of interest, since, from the blessings of protection, they enjoyed whatsoever their diligence had gained. And they entered upon the occupations of their Virginian neighbours, which experience had approved as useful; upon the raising of cattle and corn, for supplying subsistence; upon the cultivation of tobacco, that attracted foreign traders. As every attempt to establish a body of laws had hitherto failed, since discussion had not yet removed difficulties, the freemen convened, for the third time, in February, 1638-9. And they naturally by their first act established "the house of assembly; declaring, that persons, chosen in pursuance of writs issued, shall be called the burgesses, who with the gentlemen summoned by the special writ of the proprietary, together with the governor, shall form the legislature, whose acts shall be considered as laws." But it was not till ten years after that the component parts of the assembly were divided into two separate houses, that each enjoyed in future the powers, which distinct deliberation easily acquires. Animated little by the sentiments of the northern enthusiasts, the members of that memorable convention acted altogether as Englishmen, who, while they remembered the duty which they owed, asserted their native privileges. They attended to the rights of "holly church," because they were good catholics. They obliged every inhabitant to take an oath of allegiance to their king, because they did not consider themselves as emancipated by emigration. They recognized the prerogative of the proprietary, since they regarded the charter as the foundation of their government, and required obedience to his power, because
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the laws were administered in his name. They insisted on enjoying their liberties, "according to the great charter of England," as they thought themselves Englishmen, who had forfeited nothing by their departure with the consent of the state. They declared, that justice should be distributed in civil cases, according to the laws and usages of the province; but, where these were silent, according to the laws and laudable customs of England: Thus prudently engrafting the jurisprudence of the kingdom on the system of the colony. The governor and council were invested with the power of punishing misdemeanors: but, with the spirit of their original country, the legislature sent the criminal, whose life was forfeited to the laws, to a trial by his peers. And a custom of five in the hundred was imposed on tobacco exported, except to England, Ireland, or Virginia, for supporting a government, the happy influence of which they felt.

It is in the early laws of every people that we discover their genuine spirit. Were there no other documents remaining, we have, in the acts of the session of 1639, sufficient proofs to decide, with regard to the moderation, the wisdom, the patriotism, of the original planters of Maryland; with respect to their religious principles, and political practice: in reviewing their proceedings, instead of enthusiasm, we meet with charity; in the place of the Jewish jurisprudence, we find the laws of England; in the room of an engagement to the province, we discover an oath of allegiance to the king and of obedience to the proprietary. The original habits, the religion, the subsequent education, of the provincials, prompted a love of order, an adherence to

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establishments,

establishments, a submission to law, which had the greatest influence on their future conduct; which may be traced, by the attentive observer, through the whole of their annals, with a few variations. If we form our opinion of men by the qualities of the heart, as they are disclosed by the effusions of action, the emigrants formed the progenitors of a people, who merit much of our esteem. We may easily determine, with regard to the numbers, the wealth, and the enterprize, of a community, who find it necessary "to erect a water-mill," by general contribution, for general use. Yet such was the condition of Maryland at the commencement of the civil wars.

The time was now come, when the political life of Charles I. was to cease: when he was no more to urge adventure by his liberality, or to encourage colonization by his bounty; to correct irregularities, by repressing the arrogant and raising the humble. In his colonial administration, he copied the practice of his father, because he inherited his principles: in the same manner he regarded the plantations as a patrimony, which he might give away, or govern, according to his will; though he seemed proud to acknowledge to the world, that he considered these transatlantic settlements as territories of the English empire. The charters of his reign were dictated by a knowledge of the law, as it was then understood, by those who gave advice to the crown; establishing regulations, since he was supposed to possess legislative authority, and granting exemptions, as he actually exercised the power of taxation. To him England owes the original policy of the acts of navigation, which was afterwards adopted as a favourite-system; which he attempted

tempted to enforce by the modes now so familiar in our laws, though he has been robbed of the merit of invention, and the praise of consistency. And the result of his administration was to allow the New English, by a singular effort of usurpation, to establish their independence, because, though he had sagacity to see the inconvenience, he wanted force to apply the remedy; to give to the southern settlements such amplitude of privilege, as to incite similar inclinations, whenever, in the progress of events, opportunity was supported by power. The posterity of both have cast obloquy on his name, because men are more apt to complain of an injury than to recount a benefit.*

* By attending to the opinions of eminent lawyers, who advised successive monarchs, we not only trace a progress in the sentiments of statesmen, but acquire an useful key to the state-papers of their reigns. In January, 1633, the attorney-general Noye presented to the privy council a complete code for Newfoundland, which he advised the crown to approve, because, said he, "the king may make laws for such new-acquired dominions:" And the rules of Noye were accordingly ratified, as his principle was thought just, and his provisions were deemed necessary. In November, 1638, Newfoundland was granted to James, marquis of Hamilton, by a charter, which seems to have been literally copied from that of Baltimore: a tax of 5 per cent. on the imports and exports, was at the same time imposed, but with a covenant, on the part of the king, exactly similar to the celebrated clause in the patent of Maryland, "never to impose another." Thus, though the petition of right had determined, with regard to England, the law against the opinions of Bacon, before-recited, Charles I. continued to establish imposts on her dependent territories. In the third year of his reign, the treasurers and chancellors of the Exchequer, both of England and Ireland, were directed to increase the duties upon Irish exports; "which shews, says the Observer on the antient statutes, p. 127, that it was then imagined, that the king could tax Ireland by his prerogative, without the intervention of parliament:" and, for the authenticity of the fact, he cites Rymer, 8 v. pt. 2. p. 205.

THE PARLIAMENT AND PROTECTOR.

THE meeting of the legislature, after twelve years recess, forms a remarkable epoch, not only in the history of England, but in the annals of her colonies. A revolution of power necessarily ensued, of great extent, and of lasting consequences to both. Too much engaged in more interesting objects, Charles I. ceased to legislate for the plantations, or even to attend to their affairs. And the commons instantly assumed what, in his distress, he had relinquished; what, in his prosperity, they had contended for, without insuring success. Having, at length, received a different direction, the ardour of men flowed into a new channel, since their sentiments had been gradually changed. And the multitude, freed from apprehension, either feigned or real, no longer sought security beyond the ocean, till subsequent troubles revived their dread, or inspired them with hope.

V I R G I N I A.

GRATIFIED, meanwhile, by the removal of the object of their hate, the Virginians assumed their former good humour on the arrival of Berkley; foreseeing, in their present happiness, future prosperity. But it proved not of long duration. Though that celebrated governor has obtained the praise of removing the grievances

vances of his predecessor, his commercial instructions introduced all the inconveniences, which every where result from sudden change in domestic œconomy. The contests of their native land conveyed to them much of their unpleasantness and many of their evils. In those days it was not difficult to find "prime lawyers," who declared that the ancient patents of the Virginian company remained in force, notwithstanding the judgment of a competent court of justice, and the length of acquiescence. While causes of complaint were sought for, a petition was presented to the commons, in the name of the assembly; "praying for a restitution of the "former corporation." But, urged by a dissimilar spirit from that of their predecessors of 1624, because they had now felt their own importance, the governor, the council, and the burgesses, joined in transmitting a positive disavowal of what was no less contrary to truth than inconsistent with their interest. They, at the same time, presented an address to Charles I. acknowledging his bounty, and desiring to continue under his immediate care. He sent them, after his retreat to York from the tumults of his capital, a gracious answer to a profession of obedience to his power, because contrast is always pleasing: in return, he gave them an assurance, "that he never would consent to the re-establishment of a company over them." And they shewed, by their conduct, that a favour conferred on a community does not always provoke ingratitude. Regardless of danger, they remained firmly attached to their benefactor during his unfortunate life, since the interest of both were the same. Though the season was unfavourable to Berkeley's endeavours to promote pri-

70 The PARLIAMENT and PROTECTOR.

vate prosperity, he was enabled, for some time, to preserve internal quiet, amid the turbulence of the times, by procuring severe laws against the Independents, who attempted to penetrate from New England; as a regard to peace seemed to require, that a party ought to be carefully excluded, who never fail to bring insurrection in their train.

After the sad fate of the father, Charles II. sent from Breda in June, 1650, a new commission to the faithful Berkley, as an approbation of a conduct, singularly loyal, amidst such general defection. Copied nearly from the former, it declared the royal purpose "of ruling Virginia, according to the laws of England;" it empowered the governor and council to punish crimes, as the rules of English jurisprudence might direct: and he gave them a prophetic warning, "to build fortifications, at the expence of the planters, for preventing the rebellion of subjects, or the invasion of enemies."

Having by the most singular exertions of abilities and courage triumphed over all their European opponents, the commons found leisure to look into the transatlantic territories; to reward the attachment of friends; to punish the opposition of enemies. In October, 1650, they passed a memorable ordinance; prohibiting trade with Barbadoes, Virginia, Antega, and Bermudas, because, having been settled by men little infected with fanaticism, all these had adhered to the fortunes of their late sovereign. Reciting that the colonies had been planted at the cost, and by the people, of this kingdom, and ought therefore to obey her laws, yet that many planters in Virginia had traiterously set up for themselves; it declared

clared such persons “notorious robbers and traitors;” it forbade every one to confederate with them; it prohibited all foreign vessels from sailing thither; and it empowered the council of state to compel all opponents to obey the authority of parliament. Informed by instructions, which were dictated by the end, admiral Ayscue was detached with a powerful armament to execute that important purpose. He was directed “to use peaceful arts to bring the colonists to obedience; but, should these prove unsuccessful, to employ every act of hostility, setting free such servants and slaves as will serve as soldiers against their masters; and to cause justice to be administered in the name of the commonwealth.” The Virginians soon felt, that the commons were then too wise to form unmeaning pretensions, and too vigorous to enter into resolutions of policy, which they were afraid to enforce: without scruples they courted only success; and without intending it they left a signal example of wisdom and energy to the world.

Berkley’s defence of Virginia against his fortunate invaders gained him the approbation of his prince and the applause of his countrymen. And his conduct was the more meritorious, as he had to contend against a zealous faction within, and a potent enemy without. Even Maryland appeared against him, as the supporter of the authority of England. When he could no longer fight, he delivered up the government upon such favourable terms as the English commissioners were willing to grant: They only claimed submission to the power which governed the parent country, though not by the justest title; and, when every one submitted, they had

72 The PARLIAMENT and PROTECTOR.

gained their object. He retired to a private station, to wait with patience for favourable events. Virginia obeyed the various rulers, which the revolutions of the age imposed on England, with the reluctance that acknowledged usurpation generally incites. But, amid the distractions that succeeded the death of Cromwell, she seized the opportunity to free herself from the domination of her hated masters, by recalling Berkley from his obscurity, and proclaiming the exiled king. And she by this means acquired the unrivalled honour of being the last dominion of the state, which submitted to that unjust exercise of government, and the first which overturned it,

M A R Y L A N D.

THIS province was, in the mean time, afflicted with the various miseries that mankind have endured in every age, in which faction has usurped the place of public spirit. The suggestions of Clayborne had infused a jealousy into the surrounding tribes, that the prudent conduct of Calvert had been unable to eradicate; because they had discernment to perceive, that, as the colonists extended settlement, their hunting grounds were narrowed, and, as food grew more scanty, their numbers became less. A savage war, therefore, began in 1642, which continued for many months, to administer every mischief of hostility without any circumstance of renown, till a peace was made, on the accustomed conditions

ditions of treaties with the American tribes; of present submission and of future amity. Law was called in to give proper effect to policy: private purchases of the original owners were declared to be void; every one was prohibited from giving arms and ammunition to men, who were no less prompt than dextrous in the use of them: and death was denounced against him, who should in future "sell or transport any friendly Indian."

Quiet was scarcely restored to a narrow frontier, by salutary measures, when this feeble plantation was harassed by domestic war. Disappointed in every attempt to regain what he esteemed his right, either formerly from the king, or lately from the parliament, the restless Clayborne continued his intrigues among the discontented of Maryland, whom a turbulent age produced. And, in February, 1644-5, just twelve years after the original settlement, he chased from the province a governor, who was supported by no force, that can alone repel force. The insurgents instantly seized the reins which they had snatched from enfeebled hands, which they guided with the accustomed violence, as well as insult, of those, who acquire undeserved power by unlawful means. Aided, however, by the friends to order, who flocked in great numbers to his standard, when the effects of the first impression had ceased, Calvert expelled the rebels in his turn; and before August, 1646, obedience to government was once more happily restored. The usual laws, which follow unsuccessful revolt, were now passed: a general pardon was granted, with a few exceptions: actions for wrongs, committed during the rebellion, were discharged: and compliance with William Clayborne,

74 The PARLIAMENT and PROTECTOR.

Clayborne, in opposition to the proprietary's right, was prudently prohibited. But the colonists were not freed from every inconvenience, when they were relieved from the terrors of violence: considerable taxes were imposed not only "towards satisfaction of claims touching the recovery of the province," but "to enable the proprietary to protect them, in their lives, liberties, and estates."

While a standing memorial was thus established, of the inconvenience of the past, of the penalty of subsequent, revolt, a body of emigrants arrived in Maryland, who scattered, with a busy hand, the seeds of future revolution. When the Independents were repulsed from Virginia, they naturally turned their eyes to the neighbouring province, which offered them an asylum, upon terms dictated chiefly by themselves. During the year 1648, they settled a higher district of Maryland, which they denominated Providence, in order to shew their sense of late misfortunes and of present happiness; which fifty years after furnished a scite for Annapolis, the present capital. And they were soon joined by numerous associates, who, professing the same principles, wished to enjoy the same security. From that period may be traced, not only a considerable alteration in the sentiment, but even in the language, of the acts of assembly. As men of every species of religion had now settled where they were freely tolerated, nothing could be more wise than the measure which was adopted to preserve peace, in an age of religious contest. The assembly, though directed by popish councils, passed a law in April, 1649, which, reciting the dangerous consequences of enforcing conscience, declared, that no
Christian

Christian shall be disturbed in the free exercise of his religion; that persons, molesting any other, on account of his scriptural tenets, shall pay treble damages to the party wronged; that he, who shall reproach his neighbour with any opprobrious names of religious distinction, shall forfeit ten shillings to the injured. Though this admirable law, enacted in the true spirit of Christianity, was repealed during the subsequent triumph of fanaticism, it was established, in 1676, as a perpetual rule; but was again superseded at the revolution, with the puritanic spirit of the former age.

As early as the year 1650, the constitution of Maryland was finally placed on the solid foundation, which upheld it to the present times. The title of the lord Baltimore was then recognized, with a saving of "the just liberties of the freeborn subjects of England." Already divided into two branches, the legislature was now formed into an upper house, consisting of persons called thither by the writ of the proprietary; into a lower house, composed of representatives, chosen by the hundreds: And the acts, approved by both, and passed by the governor, were declared to be the established laws, which all ought to obey; because the assent of every individual was supposed to be included. Animated by a prudent jealousy of the chief ruler, the legislature enacted, "that no taxes shall be levied on the freemen, without their consent, or that of their deputies, first declared in assembly;" that martial law shall not be executed, except in time of war: thus, invigorating the provisions of the charter by the positive declarations of every rank in the province.

While

76 The PARLIAMENT and PROTECTOR.

While the assembly thus promoted internal happiness by salutary laws, various changes were at hand. In February, 1649-50, Charles II. appointed Davenant, the author of *Gondibert*, governor of Maryland, "because " lord Baltimore did visibly adhere to the rebels in England : " yet he never assumed an office, which was then too perilous for a poet. Possessing great prudence as well as great reach of thought, the first proprietary joined the prevailing party with the usual policy of the world : nothing was required, by his charter, but general allegiance, and he seems to have been willing to yield general subjection to any sovereign, who might gain possession of England. When the parliament sent commissioners to Chesapeake, to require the submission of the planters, his officers admitted the authority of the commonwealth, though they continued, as formerly, to administer the laws in his name. But their submission to English sovereignty did not procure them prompt obedience, even to the most just commands, during an age of broils. " The Independents, say cotemporary " writers * who knew their ways, were as much refreshed " with their entertainment in Maryland, as the snake in " the fable was with the countryman's breast, for which " they were equally thankful. They began to pick " quarrels, first with the papists, next with the oath of " fidelity, and, lastly, they declared their averfeness to all " conformity ;

* That genuine picture of the Independents may be seen in a little book, published in 1655, by Langford, entitled : " A just refutation of a scandalous pamphlet, called *Babylon's fall in Maryland :* " and, in a publication by Hammond, in 1656, to which he gave the singular title of " *Leah and Rachel, or, The two fruitful sisters of Virginia and Maryland.* " These petty volumes contain many curious anecdotes of those eventful times.

“ conformity ; wholly aiming, as themselves since confessed, to deprive the lord-proprietor of that country, and to make it their own.”

Governor Stone, who had recently assisted in subduing Virginia, was too spirited, however, as well as too faithful, to resign his charge to such men without a contest. Having determined to enforce submission, by compelling the refractory, he sailed for Providence with one hundred and thirty men ; but was constrained, by the treachery of Heamans, who commanded a mercantile frigate of considerable force, to land on a narrow neck of land, formed by the confluence of the Severn. Here, on the 25th of March, 1654, he was attacked by one hundred and seventy insurgents, who, having purchased the irresistible aid of Heamans, obtained an easy victory over the friends of order, who saw their commander wounded, and their retreat cut off. It is curious to remark, because we trace the influence of a predominant principle, “ that, during the battle, a small vessel of New England, under the command of one John Cutts, seizes the boats, provisions, and ammunition, of the governor and his party.” The victors condemned Stone to death, whose courage and fidelity deserved a better fate ; yet spared his life ; since they had already expressed a melancholy contempt for just authority. But, with the malignant spirit of the times and of the party, they executed Eltonhead, a counsellor, and several inferior officers, by martial law, after quarter given : thus shewing by their flagitious conduct, that, when bravery is the effect of fanaticism, it is always cruel.

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78 The PARLIAMENT and PROTECTOR.

The anarchy, which was thus courted by the conquerors, did not long continue. In July, 1654, the government was seized by Clayborne and Bennet, as commissioners for Cromwell, though without authority, in whose name they not long after called two different assemblies. Having derived their present power from the protector, they naturally recognized "his just title to the province." Forgetting former good offices, they declared, that none professing the popish religion should be there protected; allowing religious freedom, however, to Christians, provided it was not extended to the professors of popery or prelacy. And their whole administration, equally illiberal and tyrannous, breathed a similar spirit of bigotry and ignorance, neither doing credit to their own talents, nor ensuring the peace of the governed. When civil importance is lessened at the same time that religious liberty is taken away men always look for change. And an unsuccessful insurrection was easily raised, in 1656, by Fendal, who mistook a propensity to restless intrigue for motives of genuine patriotism. As Cromwell entertained no settled purpose to divest him of power, who had yielded willing obedience, he restored to lord Baltimore, in 1657, what had been thus taken from him by the intemperate zeal of the Independents, urged by the revenge of Clayborne.

But the long lost tranquillity of Maryland was not regained when the administration of the proprietary was re-established, in March, 1657-8, under a commission to Fendal. The assembly no sooner convened, in February, 1658-9, than the burgessees, copying the late example of the commons, because they aimed at
similar

similar objects, dissolved the upper house, and usurped all jurisdiction. And having resolved to act "without dependence on any other power," they appointed Fendal supreme ruler, by whose treacherous suggestions they were now governed; who, during the turmoil of the times, scrambled for himself. It is not one of the least infelicities of civil contest, that innovation begets contempt of order, disregard of decency invalidates the moral sense, and crimes usurp the place of rectitude, till the successive strokes of adversity have taught men, that, when they cease to be virtuous, they cease to be happy.

N E W E N G L A N D.

WHILE experience taught Maryland, that her miseries only commenced when she departed from her original prudence, Massachusetts steadily pursued her purpose; and though obstructions were sometimes thrown in her way, either by design or chance, finally gained her end. Twenty thousand persons had removed thither before the year 1641, when the ardour of emigration cooled; owing no less to the meeting of parliament than to apprehensions from her rigour and to the folly of her laws; which preferred orthodoxy of faith to augmentation of numbers. Urged by these causes, and enlivened by hope, many deserted the country, that they now thought unworthy of the beloved name of Canaan: but,

80 The PARLIAMENT and PROTECTOR.

but, though a considerable check was given to its growth, the plantation had taken deep root, because the religion of the people, while it excluded amusement, promoted diligence. And their rulers prepared, with their usual address, to derive every possible advantage from their situation and events.

Foreseeing, from the cast of political affairs in England, that great revolutions were at hand, the general court despatched thither, in 1641, three agents, Hibbins, Weld, and Peters: and, though their instructions have not been preserved, or have been perhaps designedly destroyed, the object of their mission at that critical juncture, is now known to have been “to promote
“the interest of reformation, by stirring up the war
“and driving it on*.” Hugh Peters acted a part in the said tragedy of the times, no less conspicuous to the world than fatal to himself. That singular enthusiast attempted, among other exploits, to write down the laws of England, with design to open a way for the introduction of a system, more suitable to the purpose of the Independents; but happily without success, because the writer’s wit was not equal to his malice: and there were not then wanting men, who, having marked their pernicious progress, defended the English jurisprudence with greater powers, while they gave fruitless warning to the nation; “that, as from New England came
“hither independence of churches, there is cause to
“pray

* See the printed trial of Hugh Peters, in which that remarkable fact is satisfactorily proved.

“ pray, that thence in time may not also come hither
 “ arbitrary government in the commonwealth*.”

Gained by the intrigues, perhaps by the money, of the agents, the commons passed an ordinance, in March, 1642-3, “ for the encouragement of New England”; by freeing “ that colony from taxation, either inward “ or outward, or in this kingdom, or in America, “ till the house take farther order therein to the contrary.” A law, which, in more modern times, had spread universal discontent and insurrection; the ge-

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neral

* He who peruses the fugitive publications of England, from the accession of Charles I. to the meeting of parliament in 1641, must perceive that the writers, if we except the puritans, had gradually acquired a more natural force in their sentiments and a more elegant neatness in their style. But, from that epoch ensued, what Hugh Peters denominated, “ the pamphlet-glutted age.” In the beginning of the year 1644, there was published “ New England’s lamentations for Old England’s present errors:” and in a few months after followed, “ New England’s advice to Old England; wherein “ both their governments are compared.” Vaughan, the friend of Clarendon, “ asserted the common law against Hugh Peters.” Prynne himself published in September, 1644, “ Independency refuted:” and, in the subsequent year, he announced to the world; “ A fresh discovery of some prodigious new “ wandering blazing stars and fire-brands, firing our church and state into “ new combustions, wherein some letters and papers, lately sent from the “ Summer-Isles are subjoined, relating the schismatical, illegal, tyrannical, “ proceedings of some independents there, in gathering their new churches, “ to the great distraction and prejudice of that plantation.” Of such books the title-page is enough. Bailey not long after printed what he re-published in January, 1654; “ A dissuasive from the errors of the times;” in order to expose the practices of the independents, and to warn the nation of their consequential tendency “ to arbitrary government in the commonwealth.” The successive revolutions of human affairs may be aptly compared to the lines of a circle, which, put in motion by a given force, constantly pursue the same track, and continually run into themselves.

82 The PARLIAMENT and PROTECTOR.

neral court ordered to be recorded, that it might remain among their archives, a proof to posterity of the favours of the one body, and of the gratitude of the other. While the commons thought the plantations thus worthy of indulgence, because they might prove commodious to the nation, they regarded them as proper objects of regulation: and, during the same session, they established a council for the colonies, similar to that of 1635, since the powers of the parliamentary edict seem to have been literally copied from the provisions of the commission of prerogative. That body, at the head of which was placed lord Warwick, the admiral of New England, proceeded immediately to execute their trust, no less extensive than it was important: they granted a patent of incorporation to Providence and Rhode-island, which were thenceforth united; giving the powers of government, but with an injunction to regard the laws of England as their principal rules. They heard complaints from the plantations; they revised their proceedings: and, while they corrected their irregularities, they gave them redress. The colonists thankfully received the boon which was given them, without inquiring minutely into the title of those who conferred it; yet shewing, by the uniform tenor of their conduct, that they, who are placed beyond the ken of superintendence, will seldom regard its admonitions, when they feel not the power which supports it.

Of all the plantations, Massachusetts appears to have been the most grateful for recent favours. When she perceived, that the civil wars caused divisions in many places in America, with regard to the contending parties

ties in England, the general court enacted, "that, what
" person soever shall draw a party for the king, against
" the parliament, shall be accounted a high offender
" against this commonwealth, and shall be punished
" capitally." Having in this manner secured intestine
quiet, by means which disclosed their principles and
gained them the favour of the powerful, they turned
their next attention to the exclusion of external vio-
lence.

The New English seem to have courted, with great
attention, the amity of the original occupiers of the
country, whose right of possession they purchased for
satisfactory considerations. When provocation incited
hostilities, they carried on the war with vigour, and with
severity concluded it. And the extirpation of the
powerful Pequots, in 1637, gave a dreadful example,
which till now had ensured the repose of New England.
It did not require the sagacity of the rulers of Massa-
chusetts to discover, that the recent turbulence of the
surrounding savages must have originated in the in-
trigues of the neighbouring Dutch on the Hudson. And,
urged partly by danger, perhaps more by ambition, they
entered into a confederate union, similar to that of the
states of Netherlands, with New Plymouth, Connec-
ticut, and New Haven. Formal articles were signed
in May, 1643, by which they were in future to be called,
"The United Colonies of New England." It was agreed,
that a perpetual league, offensive and defensive, should
be established, for the propagation of the gospel, for
mutual preservation, by common measures at the common
expence: but it was stipulated, that the confederates
should each remain distinct in its domestic jurisdiction.

84 The PARLIAMENT and PROTECTOR.

The members of a confederacy, that offers the first example of coalition in colonial story, and shewed to party-leaders, in after-times, the advantages of concert, regarded themselves as sovereign commonwealths, since the principles on which they proceeded supposed independence of action and freedom from controul: they had hitherto yielded no obedience to England; and, with respect to each other, there existed no farther connection than that they had once been subjects of the same state. From that epoch, they enjoyed all the benefits which union and energy bring with them, and all the honours that are every where paid to power. Mortified with her solitary situation, Rhode-island petitioned to be admitted into this formidable league, as she felt her own weakness: but she was told what imposed an effectual bar, that she could not be received into their combination, unless, by submitting to the jurisdiction of Plymouth, she descended from the pleasing pre-eminence of a separate community. They imposed peace on the circumjacent tribes. They dictated to the Dutch the terms of a treaty with regard to boundaries. And courted by the French of Canada, who, during the days of its weakness, asked their aid against the five conjoined tribes of Iroquois, their augmentation of power did not inspire them with greater moderation, because the flatteries offered to their ruling passion did not meliorate the virtues of the heart.

From the æra of that famous league, so similar to what we shall meet with in the sequel, Massachusetts acted merely in pursuance of her principles, when she conducted herself wholly as an independent state. She convinced her confederates, by her haughtiness, what mortifications

mortifications the weaker allies must always submit to. She extended her jurisdiction over the provinces of New Hampshire and Main upon such pretences as power will always find. She denied appeals from her judgments to the king, or to the parliament, because an appeal carries with it an admission of supremacy. She established a mint at Boston, which is every where erected by sovereignty alone. And she entered into treaties with foreign nations, who sought her assistance, since their weaker plantations feared her power*.

The conduct of Massachusetts was too remarkable to escape the notice of the commons, however much they

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approved

* We meet with the following striking passage in a pamphlet published by major John Child, in 1647, which, with the quaintness of the times, he entitled "New England's Jonas cast up in London." [Page 12.] "If any man asks, how it is evident there is such a plot against the laws and liberties of English subjects, I answer: observe how he [Winslow, the New England agent] would engage the parliament to be the instruments to stop appeals from all their unjust sentences: and, what a desperate business this would prove, every wise man may easily see. For, being begun at this plantation, by the same rule others might seek it should extend to all other plantations; and then, why not to Ireland? And why shall not example, custom, and fair pretences, bring it into Wales and Cornwall; and so over England? And, by the way, mark, reader, his great boasting, *that they are growing into a nation*; high conceits of a nation breed high thoughts of themselves, which make them usually term themselves *a state*; call the people there, their subjects; *unite four governments together, without any authority from the king and parliament*; and then term themselves *the united colonies*; are publicly prayed for by that title, not giving forth their warrants in his majesty's name, no not in the time of the most peaceable government." The plot, which was thus darkly deplored by Child, was what he lived to see realized; the introduction into England of the independent government, with its associations and committees, that convert every county into a kingdom, and every city into a commonwealth.

86 The PARLIAMENT and PROTECTOR.

approved of her general maxims. Nor were there wanting men, who painted in glowing colours her domestic tyranny, at the same time that they gave warning of her ambitious purposes. While the council of state sent a fleet to subdue the unfriendly settlements, they informed Winslow, her agent: "that it was expected all process should issue in the name of the keepers of the liberties of England, or that there should be an acknowledgement of the powers then in being by a renewal of the patent." But the general court had the dexterity to foil the men, so celebrated for arts like their own; by neither refusing, nor complying; a species of conduct which is always the most perplexing, because it is so difficult either to approve of it as right, or to oppose it as wrong. And they transmitted an address to the parliament; stating, in characteristic language, their demeanor during the differences with the late king, by which they suffered the hatred of the other plantations; acknowledging the undeserved favour "of taking off the customs and stopping appeals from hence;" and concluding, "that the things desired not being done in the late king's time, nor since, they were unable to discern the need of such injunctions." And they sent a similar address to Cromwell, begging him to intercede with the parliament for the favour of exemption. These petitions did not give perfect satisfaction, though they were conveyed in the fanatic eloquence of the times. The indignation of the commons was roused, when they beheld The united colonies supplying Virginia and Barbadoes, "though enemies to the commonwealth," with warlike stores and other commodities: and it was debated, whether "their
" free

“free customs and excise should not be revoked.” But the conciliatory application of Winslow, their artful emissary, dispelled the gathering storm. And the rulers of Massachusetts acquired the applause due to the talents of those who had found means, because they practised similar cunning, to defeat the salutary purposes of a body of men, the most renowned in the English annals, for depth of policy, perseverance of design, and vigour of action.

The parliament, having at length gained complete jurisdiction, exerted their new authority during every session. The favours granted to New England attracted the envy of other colonies. And, owing to their applications, the commons extended to them, in 1645 and 1646, the same freedom from imposts, for three years, “provided their productions were exported in English ships.” In January, 1647, they issued an order “for transportation of commodities to the plantations custom free.” In February, 1649, they passed an act, “for propagating the gospel in New England, by erecting a corporation in England.” The year 1650 forms an æra of much political and commercial regulation. Acts were passed “for charging tobacco brought from New England with custom and excise; for prohibiting traffic with Barbadoes, Virginia, or Bermudas; for advancing the trade of this commonwealth.” The legislature, having thus exerted the powers of regulation and taxation, thought it just to give the colonies the advantage of monopoly; and, with this design, they two years after “prohibited the planting of tobacco in England.” No longer restrained in their proceedings, the commons, with their antient spirit, did now effectually what they had during the two late reigns only attempted

88 The PARLIAMENT and PROTECTOR.

tempted to do; they performed at present what James and Charles had always done by their proclamations and their charters. And, in the modes peculiar to both, the nation equally exercised a supremacy, either by prescribing terms of submission, or exempting them from duties.

Having acted as a commonwealth, distinct and unaccountable, under Charles I. and the parliament, Massachusetts did not condescend to acknowledge the authority of Oliver, though she asked him for kindness; far less of Richard, who begged favours of her. And she found means, in her address, to elude the requests of Cromwell, yet to pacify his spirit and to retain his good will. Incited by the solicitations of the neighbouring colonies, who envied the prosperity of the Dutch, the protector, with his usual promptitude, detached a small armament, under Leveret, to reduce New Netherlands, recommending at the same time to the New English to afford his officers every assistance in an enterprize, which had for its end the propagation of the gospel and the vindication of the national rights. All complied except Massachusetts, because, being more exposed, they thought themselves more interested. But the general court easily found excuses in the same topics, that had deceived the parliament. They sent an address; acknowledging his continued favours; informing him, that, in devotion to his service, they had permitted his officers to raise five hundred volunteers, and had debarred the colony from commerce with the Dutch, but that it seemed most agreeable to the gospel of peace, and was safest for the united settlements, to forbear the use of the sword. By the same arts, they equally disappointed the protector's designs

signs of removing the New Englanders, first to Ireland, and afterwards to Jamaica, without forfeiting his good opinion. And, exempted from commercial restrictions during the civil wars, because the ordinance of 1650 was not extended to them, though a seizure sometimes interrupted their enterprizes, trade flourished prodigiously from the admission allowed to all nations; from the traffic carried to France and to Holland, to Italy and to Spain. While this influx of commerce spread universal wealth, Massachusetts smiled at the envy of English merchants; while she rejoiced in monopoly, she felt not for the distresses of sister colonies, whom she considered as doomed to reprobation. Thus she acquired habits in her infancy, which, though checked in her youth, were strengthened as she grew up, and became inveterate during her age. And England found continual cause to regret the truth of what had been foretold, when the charter was transferred from London to Salem; “that the New English, under the pretence of planting a colony, meant to draw themselves apart, and, by removing, free themselves from her government.”

We see a new change at hand, in the result of those revolutions, that succeeded the expulsion of the commons and the death of Cromwell. Whoever reviews the colonial administration of both will find indubitable signs of those manly qualities of wisdom and energy, though attended with some exceptions of fickleness, which, by ensuring success on a more conspicuous theatre, conferred celebrity on their names. If however they deserve not the praise due to invention, they at least merit the commendation that improvement may claim. With regard to the transatlantic territories of England, they

90 The PARLIAMENT and PROTECTOR.

they only adopted and carried into practice modes of policy, which had been already exerted by James and Charles, who gained not the applause that completion only confers. In prosecution of schemes of power, amid the circumstances wherein they found themselves, after a mighty struggle, the parliament and the protector exercised over the plantations every act of human authority: they prescribed for them rules, and exempted them from taxes; they required their submission, and enforced their obedience. And there appeared, in their deliberations, more of system and less evasion; in their executive government, more strictness and less inconsistency; than will be found in the consults and the operations of the most powerful of their successors. If they discharged the New English from appeals to national judicatories; if they exempted them from the observance of the acts of navigation, it only evinces how much fanaticism may derange the wisest minds. The statesmen however, who enjoy an absolute power, founded in the delusions of the multitude, need not, in pursuit of their objects, inquire after expedients: they who command a standing army, without owing an account to a superior, possess an instrument at once easily handled and decisive in its effects*.

CHARLES

* We first meet with common sense as well as common law, on the subject of colonial jurisprudence, in the preamble of the famous ordinance, passed by the parliament in October, 1650, when they deemed the colonies
in

CHARLES II.

NOTHING could give more universal joy than a train of events, which restored that monarch to the throne of his ancestors; because, with the king, that constitution, which the wise had approved and the brave defended, was again happily re-established and improved. At that joyous epoch, there had been completely settled, on the American continent, Virginia, New England, and Maryland, alone; containing, after the emigrations and increase of half a century, no more than eighty-five thousand inhabitants; whose commerce could only be equal to the extent of their labour; whose importance could be merely proportional to their power. Regarding the English plantations as English territories, since they had been settled in order to extend the boundaries of the English empire, and considering the colonists as subjects,

in a state of rebellion against their power: "whereas, in divers islands and
" places in America, there hath been and are plantations, which were planted at the cost, and settled by the people and by authority, of this nation,
" which are and ought to be subordinate and dependent upon England; and
" hath ever since the planting thereof been and ought to be subject to such
" laws, orders, and regulations, as are or shall be made by the parliament
" of England." Here is a language, which the meanest capacity may comprehend; here is a law, that the sword was drawn to enforce: and here are claims of supremacy, which successive legislators formed into rules for the colonists, that we shall find either eluded, or obeyed, according to their principles of hate or veneration.

subjects, who owed submission to English government, because they had been subjects before their change of habitation, the legislature of England immediately delivered them laws, to which the supreme executive magistrate demanded their obedience*.

Impressed with these sentiments, the Restoration-Parliament copied literally the pattern of colonial policy, which James I. and his successor had set before them; which had been followed by the Commonwealth, and adopted by the Protector; which had been before borrowed probably, by the learned ministers of a learned monarch, from the mercantile practice of the Carthaginians, with regard to Sardinia and to Corfica, as politic as it

was

* An authentic document enables us to take a view of the foreign trade of England at the restoration, and to compare its general amount with that of her plantations.

Value of the trade of England

	Exports;	Imports;	Excess of imports,
from Mich ^s . 1662,	£2,022,812;	£4,016,019;	£1,993,207.
to D ^o . 1663,			
from D ^o . 1668,	£2,063,275;	£4,196,139;	£2,132,864.
to D ^o . 1669,			

Value of the plantation trade

from D ^o . 1662,	£105,909;	£484,641;	£378,732.
to D ^o . 1663,			
from D ^o . 1668,	£107,791;	£605,572;	£497,781.
to D ^o . 1669,			

And, from the inconsiderable amount of the commerce of the colonies, West Indian and North American, forming an adverse balance of trade, we may infer with regard to the extent of the continental alone,

was severe. In order to make England the staple of her colonies, those princes had prohibited the exportation of their products to other nations, and the admission of foreign ships, of alien merchants, and of alien merchandise; with design to favour the plantations, a monopoly had been given them against the residents within the realm, by commanding that no tobacco should be planted in England: and the parliament now enacted into laws*, the same regulations which the prerogative had formerly been unable to enforce. In the Punic policy of the legislature, we perceive what must have passed in the mind of Montesquieu, when he remarked, "that the design, "in the settlement of colonies, was the extension of "commerce, not the foundation of a new empire." But it was less difficult to establish that system which thenceforward was denominated "the acts of navigation" than to execute them; it was more easy to demand obedience to their rules than to procure conviction of their rectitude. Those commercial regulations were not readily obeyed by Virginia, because she affected not to comprehend them; they were opposed by Massachusetts, because she thought them an invasion of her rights; and Maryland evaded what she found contrary to her interest. The conduct of all parties only shews, that hesitation on one side seldom engages obedience on the other. James, and Charles, and the Commonwealth, had, by their edicts, exempted the colonies from taxes: the Restoration-Parliament extended the customs of tonnage and
poundage

* 12 Cha. II. ch. 18 and ch. 34; 15 Cha. II. ch. 7; 22-3 Cha. II. ch. 26.

poundage to every dominion of the crown, on every quarter of the globe*. The colonists did not however for years obstruct the collection of those imposts, either as unconstitutional or as inconvenient, since they did not feel the burden of duties, which were not actually demanded.

The parliament had scarcely adjourned, when Charles II. performed the promise that he had solemnly made at parting: he endeavoured to carry into effect the various regulations, foreign and domestic, which they had thus enacted into laws. He established in December, in 1660, a council for the colonies, that was invested with the power of general superintendence, and charged with the execution of the commercial system, which soon became the favourite of England, because it formed the basis of her power. One effort alone demonstrates that a board, respectable less for their numbers than their quality, executed their trust with great care and ability. In January, 1661-2, they desired the lord-treasurer to present their advice and request to the king, "to agree
"with such as have any propriety in his plantations, and
"to take the same into his own hands, in order to prevent the granting of any for the future." During the same year sir William Berkley, who had acquired his experience in Virginia amid the contests of the preceding usurpations, inculcated the same salutary doctrines on the public, by insisting in prophetic language "that
"those grants will in the next age be found more disadvantageous to the crown than is perceptible in this." But princes and ministers, like the individual, are warned, yet sin, repent, and sin again. Notwithstanding the

* 12 Cha. II. ch. 4.

the monitory example of Massachusetts, the prudent advice of his council, the remonstrances of Berkley, Charles II. granted the charters of Connecticut in 1662, of Rhode-island and Carolina in 1663, of New York in 1664, of Pennsylvania in 1681; framed indeed according to the law, as it was understood at those successive periods by the men who pretended to know it the best.

VIRGINIA.

THE Virginians received the news of the Restoration with the joy, which men naturally feel, when relieved from dread of punishment. The acts of their first assembly evince equally their afflictions during the usurpation and their present satisfaction under a governor, who had shared in their sufferings, and now partook in their festivity. While they acknowledged their obedience to the laws of England, they declared their purpose, at the time that they reviewed their code, "to adhere to those excellent and refined customs of their native land, as nearly as the capacity of the country would admit." And the foundation of that system was then laid in public and private satisfaction, that has upheld their constitution, with little reparations, to the present times. Berkley no sooner laid before the assembly a recommendation from the council for colonies, "that they should bear their own charge and be no longer burdensome to the crown" than they imposed with that design a tax of two shillings a hoghead on tobacco exported, which had been first established during the late tyranny; which has however been always paid

paid by others, since they exempted themselves from duties: and the interested practice, thus begun, continued with few deviations to the present day. Let the Virginians remember, when they mention the failings of Charles I. that, while he was the poorest gentleman in his kingdom, he supported their progenitors while they were yet needy.

M A R Y L A N D

REJOICED at the Restoration with the temper of her proprietary, who was pleased with that happy event in proportion as he perceived that his private interest was promoted by public quietude. During the hilarity of the moment, Charles II. chose to forget that Baltimore had joined his opponents amid the late scramble for power. And that monarch commanded his colonial subjects to assist in the re-establishment of the proprietor's authority in the province, as he seemed at the same time to resume his own. Calvert took upon him the administration in December, 1660, without opposition, because a few feared revenge, and many hoped for favour. Fendal, who had betrayed all parties, was justly found guilty of treason; but was pardoned on paying a moderate fine. His accomplices received forgiveness without prosecution, because policy required that where many had been guilty few should be punished. And recent irregularities were passed over in silence, in order that every one might blot from his remembrance the unpleasantness of the past, and look forward only to the gratification of the future.

N E W

NEW ENGLAND.

THE joy or facility with which the southern colonists submitted to the government of England at the restoration forms a striking contrast to the gloom and the dilatoriness of the fanatics of the north. Though Whaley and Goffe, who fled from the approach of their sovereign, because they had sat in judgement on his father, brought the unwelcome news of the king's return, in July 1660, Massachusetts would not believe what she did not wish to be true. When she was at length convinced, not only that the affairs of England were completely restored, but that complaints had been made against her to the prince and to the parliament, she hastened in December, 1660, to transmit an exculpatory address to the monarch, whose success she regretted. A paper, containing a similar justification, and praying for similar favours, was sent to both houses of parliament. She wrote letters to separate members "to intercede for the colony." And she instructed her agent "to endeavour to procure the renewal of the ordinance of 1642, that freed New England from custom." But the days of fanaticism had happily passed away, and the commons had already extended the duty of tonnage and poundage to every territory of the crown. The address to the king was graciously received, because compliment, though awkwardly expressed, from such a people on such an occasion, was extremely welcome.

H

Incited

Incited by their ancient principles, the general court not long after appointed a committee “to discover
 “ what duty the people owed to themselves, and what
 “ obedience was due to England.” In the true tone of
 sovereignty, they declared on what terms they would be
 connected with the state; resolving, with their original
 spirit of innovation, “that under the charter, which was
 “ the main foundation of their civil polity, the gover-
 “ nor, assistants, and *select deputies*, have full jurisdiction
 “ for the government of the planters there, without
 “ appeals; that any burden imposed on them, contrary
 “ to their ordinances, is an infringement of the peoples
 “ rights; but that they owed allegiance to his majesty,
 “ were bound in their exertions of legislation to re-
 “ gard the laws of England; and that the royal warrant
 “ for apprehending Whaley and Goffe ought to be
 “ faithfully executed.” The conflict between their
 maxims of independence on the one side, and the fears
 of offending England on the other, involved their decla-
 ration of rights in such a maze of contrariety, that he
 who does not read with uncommon attention can-
 not easily disentangle. And the regicides, who succes-
 sively found a welcome asylum in New England, here died
 in a good old age in peace, notwithstanding every exer-
 tion to apprehend them.

These proceedings, so characteristic of the parties, and
 their tendency, did not escape the attention of persons
 whose vigilance was quickened by sense of injury. In-
 formation was lodged at the court of Charles of studied
 delays in proclaiming his accession. Complaints of for-
 mer oppression were renewed against the general court,
 with all the earnestness of real suffering: and Gorges
 and

and Mason, the proprietors of New Hampshire and Main, prayed for redress with the fervour of men, who had been deprived of provinces. Urged by compassion, less than by prudence, that monarch commanded the governor, and assistants "to send agents to England to answer those various accusations." And his orders were attended on that occasion with real effect, because tidings, though untrue, had reached Boston, "that three frigates would soon be sent thither with a general governor over all the colonies."

Fearful of expected invasion, the rulers proclaimed Charles II. in their several towns, in August, 1661, king of England and her territories, after a variety of debates, which shew how much they were agitated by contradictory passions; but with some circumstances of insult, and in such doubtfulness of language, as to leave the colonists room to infer, that he had derived his kingship from recent election. More alarming information from England induced the general court, in December, 1661, to send two agents thither "to represent their loyalty and to take off objections." Having consented to perform an unpleasant service, Norton and Bradstreet demanded "public assurance, that, if their persons were detained, their damages should be made good." The chancellor was courted by letters professing obedience; and the puritanic nobles were interested by recitals of scriptural jargon. Notwithstanding the apprehensions of the agents, which demonstrate their own fears and their countries misdeeds, they were received with attention at court, because declarations of submission from a rugged people are always of importance. Their safe return, not long after, was celebrated as a day of thank-

giving "for the continuance of the mercies of peace, liberty, and the gospel." But, though that monarch had promised to confirm their charter, and with it their usurpations impliedly, he required some things on the part of the colonists which were thought hard to comply with, since they contradicted ancient prejudices. And, of all his reasonable requisitions, none was listened to but that one alone, which commanded that legal proceedings should be transacted in the royal name, because this flattering compliance did not impose a burden, or give energy to law. A reciprocal jealousy then began, that ended only with the cancellation of their patent and with the period of his existence. It required not his sagacity to perceive, that, though a compliment had been paid to his power, he possessed little more real authority in Massachusetts than in Venice or in Holland. On the other hand, they thought they saw, in his progressive endeavours to reclaim them to legal submission, every chartered privilege gradually taken away. And thus it is in the different manner with which the Restoration was announced by the different colonies, that we must look for their distinguishing features of attachment; and thence infer what will be their future conduct.

N E W E N G L A N D.

THE colonial administration of England exhibits, at the restoration, such a contradictoriness between principle and practice, as is unexampled in the annals of any country. The Parliament had enacted successive laws "to
" keep

“ keep the plantations in a firmer dependence;” the royal council for colonies had recommended the same rational policy: yet charters were at the same time granted, which gave various territories such extensive privileges as to leave the state without jurisdiction, and the king without prerogative. Moved by the passion of the times, or instigated by the intrigues of courtiers, who sought a pretence, the commons impeached Clarendon “ for introducing arbitrary government into the plantations.” This memorable accusation is supposed to have originated from the chancellor’s concurring in a resolution to introduce into Jamaica the modes of Ireland, with regard to the making of laws and the granting of money, since the assembly had been found, even in those days, refractory. Had they accused him of granting improvident powers, destructive of the interests of England, that reflect as little honour on his understanding, as a man, as on his sagacity as a minister, or of dispensing with the acts of navigation, he had been without defence.

R H O D E - I S L A N D.

IT was owing to that inconsistency of spirit, which has indeed too much at all times animated the councils of England, that colonial charters were conceded soon after the restoration, extremely different from those of the preceding period. The ancient grants had given jurisdiction over the emigrants to commercial companies within the realm: the present patents established politic

bodies beyond the ocean. The plantations of Rhode-island and Connecticut, which, under voluntary associations, had for thirty years acted as independent commonwealths, were formed into local corporations for their future government, with only this restrictive limitation, "that it should be according to the course of other corporations within the realm." The assemblies, which were thereafter to be composed of a governor, assistants, and delegates of the freemen, were empowered to establish territorial regulations, with this qualification, "that they should be reasonable in themselves, and "not contradictory in principle to the laws of England;" but over their acts of assembly there was no power of revisal reserved, either to the king, or to his courts of justice: nor was there any obligation imposed to give an account of their transactions to any authority on earth. The corporations, within the realm, placed under the superintendence and coercion of domestic judicatories, seldom swerve from the line of regular duty: the corporations of Rhode-island and Connecticut naturally transgressed their chartered limits, since there existed no formal remedy when they made laws, unreasonable in their provisions, or illegal in their policy. When in after times the Rhode-islenders applied to their sovereign for relief from the oppressions of the acts of their own legislature, from the frauds of a depreciated currency, a king of England told them, by the advice of the ablest sages of the law, that he could afford them no redress, since his misadvised predecessor had divested him of all jurisdiction. Rhode-island and Connecticut formed therefore pure democracies, since the freemen exercised without restraint every power deliberative and executive.

Like

Like Ragusa and San Marino, in the old world, they offered an example to the new, of two little republics imbosomed within a great empire.

In this singular character Rhode-island immediately acted, without regarding the terms of her charter, however favourable to her views. The first act of the assembly was to declare, in the genuine language of sovereignty, "the privileges of the people;" insisting, contrary to the practice of English corporations, "that no taxes shall be levied on the freemen without their own consent in assembly." Disregarding that blessed clause, which gave toleration to every sect without distinction, the legislature declared "that Roman Catholics shall not enjoy the rights of freemen." What a fine opportunity was thus given by forward bigotry, to establish a monitory precedent for the colonies, that a local legislature may pass an act in itself void, by means which the law of England might have found in itself. A papist might have gone into a court of justice in Rhode-island, and claimed toleration as his chartered privilege, which a corporation, deriving its power from charter, could not take away or abridge. If the judges, incited by the fanaticism of their lawgivers, had rejected his plea, he might have appealed to the king in council, as to a court of ultimate jurisdiction, who, at least would have heard his arguments, perhaps have determined, that the act of which he complained was void in its creation; because it was unreasonable and contrary to charter; because it was subversive of that principle of the jurisprudence of England, from which it is inferred, that every corporate body, every subordinate legislature, must restrain itself within the bounds of its creation. But an association of

Roman Catholics, for the support of a legal right, had been deemed probably the first step towards a rebellion. The assembly with the same spirit confirmed, during their first session, the usages, religious and political, which had been adopted during the seven and twenty years of associated times; which, as they proceeded from the habits of the planters, long influenced their public conduct as well as private manners.

C O N N E C T I C U T

ASSUMED the same policy, and acted a similar part, as she was animated by the same sentiments, and possessed the same powers. Like the prejudiced Rhode-islanders, she too engaged in the ungracious work of persecution, but with a fiercer bigotry; inflicting penalties on "heretics" by such indefinite expressions, as seemed to include every sect, the Independents only excepted. Protestants ought to remember, that every hardship, imposed on men for their conscientious belief of what may be deemed by others either irrational or impious, is a persecution in proportion to its extent, and, while they inflict the penalty, that they adopt the tenet of the papists, by departing from protestantism, the essence of which is dissent. Both colonies despised the just injunctions of their sovereign, as there existed no mode of coercion, and neither allowed any appeals from its tribunals to the judicatories of England, since from their charter they claimed final authority. The acts of navigation were set at naught, because they saw their interests affected,

sected, while they thought a breach was made in that freedom of commerce, which all men ought to enjoy from the dispensations of nature. The prophecy of Berkley was long remembered : but the successive exertions of ages did not regain the parental sway, which the imprudence of a moment had relinquished.

MASSACHUSETTS.

URGED by reiterated complaints, as vehement as they were well founded, the lords of the council for colonies represented to Charles II. in January, 1662-3, " that New England hath in those late times of general " disorder strayed into many enormities, by which it appeared, that the government there have purposely " withdrawn all manner of correspondence, as if they " intended to suspend their absolute obedience to his " majesty's authority." Fearful of giving cause of farther separation, the council cautiously advised, that a conciliatory letter should be written to the New English ; taking no notice of their adhering to the regicides Goffe and Whalley, nor pressing upon them the acts of navigation, as in other colonies. In order chiefly to gain a true state of colonial affairs, that monarch determined in April, 1663, to send commissioners thither ; who were secretly ordered " to give no time for those secret jealousies to grow, which are natural to the place, nor " for the like insinuations to be transmitted from hence, " where many people are who wish not success to your " employment." Desirous to reduce the New Englanders

landers to a just submission to his government, he instructed his agents to procure if possible an exact observance of the charters; to obtain the repeal of such ordinances as had been passed, during the usurpation, contrary to the royal authority; to acquire the nomination of the governor, and the command of the militia. But with a laudable spirit he at the same time directed them to encourage no faction, to countenance no change inconsistent with their ancient usages unless first moved in assembly, to solicit no present profit, which was deemed unseasonable, to propose no measure that may be construed an invasion of liberty of conscience, since it was his hearty purpose to maintain it: and, in order to pay a proper regard to their prejudices, the chaplain of the commission was directed not to use the surplice, since none had ever been seen in New England. The commissioners, Nichols, Car, and their associates, departed; expecting much from their own talents, but more from the prudence of their orders and the weight of their authority.

Intelligence of that unwelcome measure, as well as that the commissioners brought with them a powerful armament, soon reached Boston. Actuated by their fears, perhaps more by their jealousy, the inhabitants made speedy preparations to receive the men sent merely to inquire and to reform, as if they had been enemies, who meditated invasion and conquest. The charter was ordered to be kept secret for the country. The governor and council resolved "to bear true allegiance to his majesty, but to adhere here to a patent, so dearly earned, and so long enjoyed." Neither party however seemed desirous to construe the original grant according to its original import,

port, or to restore the corporation to London its pristine scite : the one deemed every superinduced innovation, as the enjoyment of "select deputies," to have been a part of the ancient charter : to have gained the nomination of the governor and the command of the militia had given perfect satisfaction to the other. The general court, perceiving however that the power of the commissioners "might be stretched to the subversion of their all," transmitted an address to Charles II. complaining of misrepresentation of adversaries, and begging for a revocation of the object of their dread. They sent letters to several of the nobility, suing for favour. They endeavoured to soften the chancellor by arts which were used in vain, because their purpose was penetrated. And their complaints were regarded as groundless, since they were founded in imputations contrary to the royal intention ; their petition was deemed unreasonable, as it preferred no accusation.

Those jealousies immediately arose which had been foreseen, and altercation soon occupied the place of treaty. Having watched the conduct of the royal officers, the governor and council at length expressly denied the validity of the royal commission, because they had predetermined to admit of no alteration. And the commissioners, attempting to hear a complaint which threw imputation on their judicial conduct, since it impugned their power, they prohibited everyone by sound of trumpet from abetting designs, "so inconsistent with their duty to God, and their allegiance to the king." Finding it fruitless to contend longer against the stream of opposition arising in prejudice, the commissioners departed

parted from Boston; denouncing those threats of punishment, which impotence never fails to employ against the objects of its vengeance: and giving warning to their opponents, “not to suffer themselves to be so much
“ misled by the spirit of independency: for the deserved
“ destruction of some of those, who of late made use of
“ the king’s authority, to oppose his power, yet pretend-
“ ed his defence, we think, might deter all from broaching
“ such illusive sophisms.” When they finally sailed for England, Massachusetts shewed by her conduct, at once spirited and contemptuous, how much she despised their threatenings and disregarded their admonitions.

Less bold, because less powerful, Connecticut, New Plymouth, and Rhode-island, affected to comply with the commissioners proposals of reformation. But, when the cloud had passed away and the danger seemed no longer near, the New Englanders paid little regard to regulations, that appeared to have been extorted by terror. The unsuccessful issue of a transaction, from which had been expected, though without cause, a small augmentation of power, without any additional revenue, made an impression on the mind of Charles, that produced the most important consequences, because in all disappointment there is dissatisfaction. He was disappointed, because he employed means disproportionate to the end: nothing was equal to the thorough reformation of a government, whose every maxim, and every action, were so contrary to the original intention of the grant, as well as to the jurisprudence and interest of England, but the authority and the power of an English parliament, wisely directed, and steadily applied.

NEW

N E W Y O R K.

WHILE the commissioners were thus unable to regulate the antient plantations of England, they successfully executed that part of their instructions, which commanded them to gain a foreign colony, either by intrigue or conquest. Having nestled, in 1625, within the undoubted limits of New England, the Dutch had enjoyed New Netherlands during the distractions of the reign of Charles I. without any other interruption than what they received on the north-east from the New English in 1633 and 1639, who forced them from the river Connecticut, and from the Marylanders on the south, who claimed and attempted to occupy the banks of the Delaware in 1641. In what light to view those intruders, whether as subjects, or as aliens, for some time perplexed the ministers of Charles II. When it was determined at length, that New Netherlands ought in justice to be resumed, since they had been settled contrary to the law of nations, that monarch granted in 1664 to the duke of York the region, extending from Connecticut to Delaware ; with power to govern it when it should be gained.

Having arrived in their defenceless harbour with three frigates and three hundred English soldiers with the promises of New England, Nichols easily obliged Stuyvesant, the Dutch governor, to surrender in September, 1664, New Amsterdam, by a capitulation that gave them the privileges of subjects, and more ; as he allowed them a free trade to Holland, which, however liberal on the part
of

of the conqueror and advantageous on the side of the conquered, could not be granted without dispensing with law. The inconsiderable colony, consisting rather of distant factories than of contiguous settlement, which his prudent conduct more than his petty armament had won, the general named New York, in honour of its high proprietor. And since the king, as supreme commander, might have governed a conquest by military law, the duke of York presumed, with his usual temper, that he enjoyed from a most defective charter equal authority. Nichols therefore, as his deputy, ruled the colonists as a conquered people, but with a moderation, and good sense, which gained him the applause of the governed, and the approbation of his superiors. Having adopted, with a commendable policy, the prior customs of the Dutch, he continued the court of assizes, which, composed of the governor, the council, and justices of the peace, was invested with legislative, judicial, and executive power. That singular legislature formed the ancient usages into a code, which, with such additional rules as conquest made necessary, was confirmed by the duke of York, because, without his approbation, it was supposed to be invalid. In order to defray the petty expence of a petty government, the court of assizes imposed a general rate on the estates of the inhabitants without their consent, since men so lately subdued were deemed unworthy of suffrage. Happy they who derive a thousand benefits from subjection! Few, perhaps none, of the Dutch removed from their ancient plantation, where they enjoyed now greater privileges than they had ever done before under the double administration of their West-India company, and of their republic. The peace of
Breda

NEW JERSEY. III

Breda confirmed New Netherlands to the English, in exchange for Surinam, a settlement, disjointed and unhealthful : yet a measure, so convenient to the colonies and so useful to England, was then regretted with the characteristic prejudice of contemporary politicians, who deplore what we relinquish, but deride what we enjoy.

NEW JERSEY.

WHILE the Dutch yet remained in quiet possession of New Netherlands, the duke of York transferred that part of their territories to lord Berkley and sir George Carteret, which soon acquired the name of New Jersey. Supposing himself invested with absolute power, he conveyed to his favourites not only the soil, but such jurisdiction as he presumed that himself possessed. To this dreary waste, inhabited then by the wolf and the savage, the proprietors invited settlers by every topic of praise, and by every assurance of privilege. While the adventurers were yet busy with those objects, which must occupy all men who settle a wilderness, they found no leisure for complaint. But, as the first payment of quit-rents was to commence in March, 1670, they now discovered that they were aggrieved ; that as every promise had not been complied with they ought not therefore to pay. Altercation degenerated into discontent, and dissatisfaction soon ripened into insurrection. Taught by the lessons of New England, their original country, they expelled governor Carteret, in November, 1672, and in
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his room chose a ruler for themselves. The conquest of the Dutch however, in the subsequent year, gave them no leisure to enlighten the world with a new system of laws, in return for the bad example, which they had thus shewn by their turbulence. While the proprietors felt the mortification of disappointment, they began to perceive the truth of what had been early foretold, "that the settlement of a desert would cost them an immense sum without yielding a penny, and would only become an estate when they could no longer enjoy either the flatteries of empty praise, or the benefits of substantial profit."

DELAWARE COUNTIES.

THE duke of York not only conceived that he might transfer what he had some right to convey, but that he might assume the government of a territory to which his grant, bounded by the eastern bank of the Delaware, did not extend. That parcel of New Netherlands, which extended in a narrow slip along the south-western margin of that commodious river, which had been continually claimed by Baltimore as part of Maryland, equally submitted to Nichols, in October, 1664, and was equally governed by him as the duke's deputy with the authority of a conqueror, though with the same moderation, that likewise ensured the happiness of the governed. And he ruled it as a dependency of New York, which, with the insignificance of its situation, continued to feel her mortifications, and to rejoice in her prosperity.

prosperity. It has been the singular fate of this little colony, that afterwards acquired the name of "the Delaware counties," to have been always in some measure dependent on a more powerful neighbour; to have been at all times governed by an usurped title, if he is an usurper who rules without a right.

C A R O L I N A.

IN the mean time that region, extending southward from the thirty-sixth degree of latitude, for which France and Spain had formerly fought, which successive sovereigns of England had granted to others, was conferred in 1663 and 1665, by Charles II. on lord Clarendon, and other courtiers; who, while they wished to gratify their avarice, or ambition, pretended, like the fanatics of the preceding age, to be moved with a pious zeal for the propagation of the gospel. Copied literally from the charter of Maryland, the several patents for Carolina seemed to have conferred similar privileges on the people and powers on the proprietors. At the same time that these settlers were declared to be English subjects, entitled to the rights of Englishmen, those noblemen were constituted absolute lords of the soil, and, in jurisdiction, counts-palatine, with royal rights. While the most animating immunities were given however to them and to their tenants, nothing was reserved to the king or to the nation, except the sovereign dominion, without power of superintendence, or means of coercion. It is
I impossible

impossible to peruse the patents granted while Clarendon held the seals, to Connecticut and Rhode-island, to New York and Carolina, without feeling a mixture of contempt and indignation; contempt, for the imprudence that gave any charters after the warnings of public and private men with regard to their dangerous tendency; and indignation at the inattention to national interests, which conferred such improvident privileges.

While the proprietaries invited settlers from every dominion of the crown by every motive that could win attention, and by every encouragement which could insure residence, the commissioners of the customs opposed their proceedings. With a laudable spirit, they remonstrated to the ministers, in language which shews what impression those operations had made “against the encouraging of
“ the people to remove to the plantations, as too many
“ go thither to the ruin of the kingdom.” So long as men form their opinions from their interests or their situation, they must continue to think differently on the subject of public and private measures. The settlement of colonies we have seen at all times opposed as disadvantageous to the state: the practice of colonization nevertheless continued with the approbation of the wisest men till the sad epoch, when judicious politicians advised, contrary to the inclinations of their age, detraction, as the only remedy for a distemper, old, inveterate, and incurable.

Several inconsiderable, but distinct, settlements, were successively formed along the Carolinian coast, the chiefs of which for years in some measure governed themselves and directed the affairs of their followers. The emigrants encountered similar difficulties to those which had
discon-

disconcerted their predecessors ; they died by the same strokes of death ; and their progress was long retarded by the same mode of obstruction. Dissatisfied with every system which had been hitherto granted to the planters, though they seem not to have complained, the proprietaries applied to a philosopher for a form that should at once be " agreeable to the monarchy of which Carolina " is a part, and avoid making too numerous a democracy." And Mr. Lock gave them in July, 1669, "the " fundamental constitutions ;" which, consisting of one hundred and twenty articles, and establishing a variety of perplexing jurisdictions, were declared to be sacred for ever. But what was intended to restore, in Carolina, the old Saxon government ~~in~~ England, was not kindly received by a people who were not Saxons ; who did not readily adopt what they did not approve, because they had not been consulted ; and who not long after exploded this learned system, so contrary to the New English democracies. Dissatisfaction introduced animosity, and animosity in its turn brought forth change. Yet carried forward by that confidence in their own good fortune or talents, which urge men to pursue the unsuccessful track of others, the proprietors continued to promote the settlement of Carolina, till successive disappointments began to quicken apprehension ; and they at last discovered, that they had expended a considerable estate upon an enterprize, which had yielded to them neither satisfaction, nor profit.

THE COLONIES.

WHILE the ministers were thus actuated by contradictory councils, and established colonial systems, the

future incumbrance of which they seemed determined to overlook, the parliament continued their former policy, since they were incited only by what they thought the advantage of England. During the session of 1672, they encouraged the fishery of residents within the realm, while they laid restraints on that of the provincials; judging wisely that the fleet of England must be always navigated by sailors, who, being bred within the kingdom, may be obtained at the call of danger, either by force or influence. Yet in favour of the colonies they enforced the monopoly of tobacco, by enabling the magistrate to destroy what should be planted in England. Observing that the New English, blessed with no native staple, carried on a circuitous commerce, by transporting to foreign nations the tobacco of the continent, and the sugar and dying-woods of the islands, the parliament, partly in order to check that disadvantageous traffic, but more to subject the colonists to the same duties which British residents had long been compelled to pay, imposed various taxes on the export of such commodities, as the plantations then only produced.* Placed under the superintendence of the treasury, those duties were directed to be levied in the colonies by the same officers, under the same power, as the customs were already collected in England. The restoration having put a period to every term of exemption; the act of tonnage and poundage having never been enforced in America, the present measure formed the seed-plot, on which was raised the subsequent system of colonial revenue; which however grew up stunted and unpromising,

* 25 Cha. II. ch. 7.

sing, because its progress was obstructed, since the law was eluded.

The governors had been the most early custom-house officers: though they were paid however specific salaries for executing the laws of navigation, they acted feebly, perhaps dishonestly, since the privy-council threatened them with punishment, not for acting weakly, but for acting wrong. Regular custom-houses were not long after erected successively in the colonies, though not on the extensive plan of modern times. The revenue-officers were received, in different provinces, with kindness or with opposition, as the provincial principles led them to regard England with reverence or with jealousy. The assemblies of Virginia and of Maryland recognized "the collectors" as legal officers; distinguishing between "country dues, and parliamentary customs." But we shall find the collector opposed in New England with every circumstance of cunning and force. From that period there has existed, in colonial policy, a two-fold collection of taxes on imports and exports; the provincial duties, established by the assemblies, and collected by the naval officers; the subsidies, granted by parliament, and levied by the collectors. What can be more remarkable, than the rapid progress with which the commerce of the plantations has advanced to real greatness! Nothing can be more striking than the fact, that though customs have, from time to time, been imposed on their traffic in its exaltation, the income arising from them did not, at the expiration of a century from the introduction of custom-house officers, amount to more than three and thirty thousand pounds. The year 1676 may be regarded as the epoch, when the

collectors of revenue were first sent thither under parliamentary sanction*: in 1776 they were formally expelled by a body of men, who regarded themselves as the representatives of the colonists, convened in a congress.

N E W E N G L A N D.

IT required the exertion of years to introduce that system of regulation and of revenue among a people, whose primitive habits led them to oppose every exertion of English government. As the acts of navigation “had not been pressed upon them,” they exercised a freedom of commerce to every European nation; which, while it enriched their traders, provoked the envy of men, whose complaints are generally heard, because they are always confident. In 1675, the English merchants and manufacturers represented to Charles II. “that the “people of New England, disregarding the acts of navigation, not only traded to most parts of Europe, but “invited foreigners to traffic with them; which would “not only ruin the trade of this kingdom, but would “leave no sort of dependence from that country to this.” Urged no less by the truth, than by the weight of this remonstrance, the lords of the committee for colonies determined “to settle collectors in New England, as in “the other places, that they might receive the duties “and enforce the law”: but, should the officers be obstructed, it would be proper “to forbid the other plantations “to trade with them; to order the captains of the royal “frigates to bring in offenders; to grant no Mediterra-
“nean

* The colonial income, arising from that system of finance, yielded in 1677 £ 803 : 2 : 8.

“nean passes to protect their vessels from the Turks, till
 “it is seen what dependence New England will acknow-
 “ledge on his majesty, or whether his custom-house of-
 “ficers are received.” In this reasoning, and in this
 determination, it is easy to trace what must have passed in
 the minds of both parties. A special messenger was
 dispatched to Boston, in 1676, with those vigorous reso-
 lutions, who was ordered “to cause the royal commands
 “to be read in full council.” And they were attended
 with more than common success, because it was known,
 that threats, supported by popular clamour, would be
 executed with unusual perseverance.

Though no standing agents were maintained in Eng-
 land during that reign, the general court were faithfully
 served, by various emissaries, by Collins, Thomson, and
 others, who intrigued for them, and transmitted intel-
 ligence. From the clerks of the privy-council, who
 were retained in treacherous pay, they procured the just-
 est information and even the state-papers. Perfectly ac-
 quainted by this means with European affairs, the ruling
 men at Boston were enabled to draw every advantage
 from distractions, either to act with moderation or with
 firmness, as Charles II. was embarrassed with faction, or
 triumphed in success over his opponents, domestic and fo-
 reign. They sent agents to England, in 1677, to an-
 swer complaints, but instructed with such cautious re-
 striction, as to leave them no authority. And these en-
 voys offended by the coldness of their declarations, since
 they could not consent to the plan of reformation, that
 had been at length resolved on. While they set forth, in
 declamatory language, the burdens which depressed the

commerce of their constituents, "they professed their
 "willingness to pay his majesty's duties within the plan-
 "tation, provided they might be allowed to import the
 "necessary commodities of Europe without entering
 "first in England." They made that memorable ten-
 der in vain, since it was determined "to search the con-
 "duct of New England to the very root." The lords
 of the committee for colonies delivered, with this
 intention, a specific list of delinquencies, which all
 originated in the innovation of applying the charter,
 given to a corporation within the realm, to the govern-
 ment of a community beyond the ocean. And refor-
 mation was demanded, at the same time that they were
 desired to consider, "whether the corporation had not
 "by mal-administration forfeited its powers, so as to
 "be now at his majesty's disposal."

The agents heard, with regret, the complaints of the
 people of England against their countrymen: and they
 gave them notice, that, while the reiterated persecution
 of the quakers lost them many friends, "the country's
 "not observing the act of navigation had been the most
 "unhappy neglect of any." For this information they were
 not thanked, because it was honest. It is to be feared,
 that the dispatches of greater messengers are well received,
 not in proportion as they are true, but as they are plea-
 sing. While the general court used every pious art "to
 "remove the judgements of the Lord," they endea-
 voured to mitigate the resentment of the English ad-
 ministration by flattery, which is found so often connected
 with the most profound hypocrisy. They affixed the
 penalty of death to high-treason, and required every one
 to take the oath of allegiance, because they had given
 offence

offence by renewing lately the oath of a freeman to the commonwealth; they exhibited the ensigns armorial of England in their hall of assembly, since this circumstance might gratify, yet could neither impose a tax nor suppress the irregularities of the smuggler. But "it was a more difficult thing to conform to the acts of "trade," which they told their agents were an invasion of the rights of the colony, "the people not being represented in parliament;" yet, since their observance had been insisted on, they had passed an ordinance, "requiring masters of ships to yield faithful obedience." While they, in confidential language to their friends, claimed exemption from English legislation, because "the laws of England, bounded by the four seas, did "not reach America," to the secretary of state they excused the colony, by endeavouring to palliate what they could not deny; by remarking, "that it was impossible to prevent some vessels going to France and "Holland, the owners of which paid the duties, but "they had never traded irregularly for more than five "thousand pounds a year." Their practice continued while their apology was no more remembered.

Affecting to be pleased with the late conduct of the general court, with a confession of guilt, which generally carries with it a desire of reformation, Charles II. determined, "to keep the affairs of New England in a fair "way of amendment, till a fitter season allowed him to "regulate the government." Yet, encouraged by late concessions, he appointed Randolph the first collector of Boston, in May, 1678, though the lords of the committee of colonies at the same time foretold, "that no "good was to be expected from the single endeavour of
"one

“one man, till, by a general reformation of abuses, New England is reduced to such a dependence as is yielded by the other colonies.” Randolph, an officer vigorous and penetrating, instantly discovered the justness of this reasoning: he encountered affronts and discouragements enow, because he was regarded as an invader of their rights and an obstructor of their traffic. And he returned to England, in 1680, with a mind soured by disappointment, to complain of difficulties, that had thus been foreseen; to solicit support, in opposition to the principles and practice of a people. But the general court endeavoured meantime, by trivial compliance, to blunt the force of accusation; to ward off the blow levelled at their charter, by swearing the governor to execute the acts of trade; by revising their Jewish system, so contrary to the laws and the interest of England, because men, who think themselves peculiarly favoured by heaven, seldom yield willing obedience to the governors of the world.

Yet Charles II. persevered, since he felt that he was in New England but a nominal king. His successive remonstrances, while he was yet embarrassed at home, repeatedly called forth apologetical answers from the general court, who knew his situation. He threatened them with a writ of quo-warranto. They excused themselves in their pristine spirit, by saying; “that the collector was acknowledged, since his commission was enrolled; that no improper suits had been commenced against the revenue-officers; but that they hoped appeals to England would not be insisted on.” Finding it impossible to execute his duty, though his authority was admitted in words, fearing for his life, as an antient law

law punished with death a subverter of the constitution, Randolph finally retired from Boston, in September, 1682. Such were the obstructions opposed to the acts of navigation; to the introduction of the first collector: the New English acted only according to their original principles, when they regarded the extension of the laws of England to them as a grievance, because, being unrepresented in parliament, they regarded every act of legislation as tyrannous. These sentiments descended to their posterity with little change, and have continually urged them to similar complaints and similar opposition; without considering, that they, who refuse obedience to the laws, relinquish the character of subjects, and can no more claim the privileges which flow from submission.

While the general court contended thus for what they regarded as the chartered privileges of the colony, they endeavoured to win Charles II. by arts, which demonstrate that they understood the character of his court, and were themselves willing to practise the arts of the world. In pursuance of promises made at the restoration, they had sent him masts for his navy, and a seasonable supply of provisions for his West India fleet. And, having long corrupted his servants, they now attempted to bribe himself, by an offer of two thousand guineas. But they were exposed to the ridicule of witty courtiers, by doing that awkwardly, which, if dexterously done, had probably proved successful. The discovery of purpose seldom leaves the envoy much room for management. The New English agents made professions in vain, since they were not empowered to consent to regulation. And they represented to their constituents the
desperate

desperate condition of the colony, as many cities in England, and some plantations, had submitted to reformation, since they no longer found any safety in the laws. Yet the general court, after trying every expedient, resolved, with their wonted determination of spirit, to submit rather to their fate than be made instrumental in resigning a blessed constitution, dearly purchased, and long possessed. And their conduct gave an example to mankind, how communities, as well as the individual, often contend with the same enthusiasm for fictions as for realities, as the mind may be equally attached, and the energy equally roused: it has been clearly shewn, that there was nothing worth one moment's conflict in a charter which seemed to be relinquished on both sides: but the contest, on the part of the one, was for the preservation of assumed authority, on that of the other, to gain a participation in an opponent's power, by reclaiming the New English to legal submission.

Randolph presented to the lords of the council for colonies, in June, 1683, formal articles of high misdemeanor against the corporation, which were all inferred from two circumstances, too well founded in truth; "the assuming of powers not warranted by charter; the opposing of the acts of navigation." And a judgement, given on a writ of quo-warranto, in Trinity-term, 1684, put a period to the antient government of Massachusetts; which could not indeed have been defended in any court of justice, during the most equitable reign, because it had arisen in what every law must have determined to have been an usurpation. Urged by the indignation of the moment, the commons resolved at the revolution, that
a judgement,

a judgement, procured by violence, was unconstitutional, since it was contrary to all law. But the resolves of popular conventions too often take the truth of facts for granted, which cannot easily be proved: and the greatest judges of the same period declared, that, admitting the proceedings to have been irregular, if the general court continued to exercise their former powers, so inconsistent with their charter, such a judgement would be given as to leave no room for error. From his restoration, Charles II. had experienced the dilemma, which has successively embarrassed his successors, of either admitting the real independence, though apparent subordination, of New England, or of resolving to defend the authority of the legislature, by enforcing the execution of its acts: though the colonists had sworn allegiance to his person, and had admitted his name into formal proceedings, his kingship was merely nominal, since he neither enjoyed the gratification of influence nor the authority of power; having no suffrage in the formation of their ordinances, nor enjoying the ability to execute what the supreme legislature had commanded.

NEW HAMPSHIRE AND MAIN.

OF the variety of complaints, which from the restoration inflamed the councils of England, or embarrassed the general court of Massachusetts, none had made a more lasting impression than the continual applications of the descendants of the original proprietors of the provinces of
New

New Hampshire and Main. Granted, in 1635, the first to Mason, and the second to Gorges; Mason soon sent a few planters and servants to New Hampshire; Gorges not long after transported a little colony to Main. The climate and the times easily destroyed juvenile settlements, which had seldom felt the energy of constant care. And, in 1639 and 1640, several small emigrations, urged by inquietness or by persecution, settled on either side of the river Piscattaqua, which divided the two provinces, and established by their own authority separate communities, by means of the fashionable associations of their neighbours. Being, like the other New Englanders, independents in their religion, they did not long enjoy under their own forms the blessings of peace, because their principles naturally promoted discord. And having placed themselves in the vicinity of a people, whose address was equal to their power, and whose ambition was equal to both, the settlers of New Hampshire and Main were soon deprived of that distinct and equal station, of which they had shewn themselves by their turbulence to have been unworthy.

Pretences are easily found when they are sought. Pretending a right to the soil from general expressions in her defective patent, Massachusetts gained the submission of the inhabitants of New Hampshire, by a religious intrigue, during the year 1641. The change was happy for the community, because it was freed from domestic broils, but detrimental to the proprietary, since he was divested of his rights. Having thus by management extended her limits and jurisdiction sixteen miles northerly along the coast, the general court perceived, that the uncertainty of their boundary equally furnished
a similar

a similar argument for subjecting the more eastern Main ; which would carry both sixty-miles farther. Partly by laying before the settlers every motive of hope and of terror, but more by " compulsory means," they subjected the whole province before July, 1658. And though the spirit of domination, which urged the general court to these encroachments, or the means that were employed to give them success, cannot be approved, the prudence and moderation, with which they governed the people, merit commendation. Thus, during the civil wars in England, the colonies of New Hampshire and Main became absorbed in Massachusetts-bay.

The most zealous support of Charles II. was unable to restore the grandsons of the first patentees to their ancient rights, because the general court opposed the claims of the one, and the decisions of the other, with superior force and cunning. The royal commissioners re-established, in 1665, the former government of Mason and Gorges, that appeared so equitable, though not their authority, which must every where arise from the opinion of the governed. But the general court, who were not idle spectators of proceedings so injurious to their power, sent an armed force, the moment the king's officers departed for England, to re-place their former jurisdiction. And they were readily obeyed, because men naturally yield submission to the vigour which commands it. Urged by the continued complaints of the claimants, and offended with the contempt shewn to his authority, that monarch threatened the general court, in language which had been fitter for a foreign nation, " that, should they " continue refractory, every means would be used to interrupt the trade of the colony, which by the acts of " navigation

"navigation may be given it." When, owing to this suggestion, their agents appeared in July, 1677, before Rainsford and North, the two chief justices, this litigious contest ended, because the general court dreaded a greater evil in the loss of their commerce, and their pretences vanished before examination. Explained at length by common sense, their boundaries were now restrained to the natural expression of the original grant, according to the design of the original parties. Of New Hampshire, Mason was found to have only a claim to the soil, since the powers of government had never been given. Both the territory and jurisdiction of Main were adjudged to Gorges, because Charles I. had granted both to his grandfather. And the final conclusion of this perplexing controversy, gives an additional example to the world, that it is seldom so difficult to discover the right as it is to restrain mankind from acting wrong.

During an age, when English nobles hoped for consequence from the possession of American territory, it was natural for Charles II. to wish to confer a province on Monmouth, the most beloved of his sons. But, restrained for years by his poverty, by the intrigues of his adversaries, by the high demands of the owners, he had been unable to gain the titles of the two proprietors. Perfectly informed of that tedious treaty by their emissaries, the general-court meanwhile sily purchased the right of Gorges, since their possession could be no longer maintained. Against a conduct, so contrary to fair dealing, so disobliging to himself, that monarch remonstrated and threatened to no purpose, because they had seen an instance of his impotence, and now derided his power. They palliated indeed what they could not justify; yet resolved to

to retain what their superior address had won. Urged by their antient desires of aggrandisement, they reduced Main to the form of a dependent province; ruling it by a deputy-governor, and other officers; and supporting by force an administration, which was hated and opposed by the provincials, since they no longer partook in the government of themselves. And, feeling a continued insult offered to their pride, they lamented for years that they had been made the instruments of their own ruin, by subjecting themselves to the domination of a people, who disregarded the woes of others, while they promoted their own greatness, though by any means.

Foiled in his attempts to procure the province of Main, Charles II. was determined by his disappointment, in July 1679, "to establish a temporary administration in New Hampshire, which might have a more immediate dependence on regal authority." The principal inhabitants did not readily submit, because their former connection with Massachusetts was pleasing, as the religious and political principles of both were the same. A government reluctantly obeyed is seldom of long continuance if it is not supported by power. Dissatisfied with the members of this temporary system, whose maxims of independence, and the example of their neighbours, led them to oppose the laws of England, that monarch established, in 1682, the first royal government in New England; and sent Cranfield, a man of high political principles, "as a fit and able person to settle that place;" consisting rather of four inconsiderable towns than of an extended plantation.

The prudent firmness of Cranfield at first commanded reluctant submission. The fanatic clergy and prin-

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cipal

principal inhabitants for some time lent him their aid, because "they thought he was gained over to the independents." When he avowed his purpose to execute the laws of navigation, he discovered, what indeed he soon found cause to lament, that he must either act with that party, or become the object of their hate. He called an assembly, composed of his opponents, in December, 1682. But, having shewn how easily three weeks may be whiled away, without granting a tax, or passing a law, he gratified his enemies by dissolving a body of delegates, who had acquired additional merit in the eyes of their constituents by opposing established authority. Gove, one of the late members, instantly raised the standard of insurrection, because "he considered the governor, his commission, and instructions, as all equally unconstitutional." Cranfield delayed not to argue with armed zealots, but hastened with a superior force to suppress a revolt, which a moment's delay had extended over an enthusiastic province. Having "used some art to procure a proper jury," he obtained the condemnation of the leader and nine of the principal insurgents, who, with the usual confidence of enthusiasts, avowed boldly their opposition to his power, thus deemed illegal, because contrary to their antient customs. Without reflecting that punishment could not have operated as an example, he sent Gove to England for execution, in pursuance of his instructions. But, after lying a twelvemonth in the tower, the same mercy was extended to him as had been already shewn to his followers, because it was hoped, that lenity might reclaim to submission a furlly people, whom it was found so difficult to enforce. The suppression of revolt ad-
ded

ded nothing to influence. Cranfield called several assemblies without success. And he was ere long constrained to seek an asylum at Boston, whose rulers had directed the councils that now forced him to fly, as he feared for his life amidst zealots governed by seditious ministers. Where contest and clamour prevail all parties are generally wrong. The provincials sent an agent to England to exhibit various charges against the governor, for which there was some foundation: he in his turn recriminated by saying, "that, while the clergy were
 "allowed to preach to a mutinous people, no true al-
 "legiance would be found in those parts." Neither gratified with praise, nor enriched with perquisite, he begged his recal in such language of despondency as shewed the state of a mind, harrassed with opposition and the condition of a colony, wretched from its temper more than from grievance: "as then the world will see
 "that it is the royal commission they cavil at, and not
 "my person, and time will shew, that no one shall be
 "accepted by them who puts the king's commands in
 "execution."

The truth of those warnings immediately appeared, when Barefoot assumed the administration as deputy-governor, in June 1685. Having resided five and twenty years in the province, he was enabled by his experience
 "to discover the intrigues and designs of the malignant
 "party, who are directed by the Massachusetts, there be-
 "ing a strict confederacy between the ministers and
 "church-members of this province and that." Amid those turmoils, he found his repose in forbearance rather than in action. He was soon relieved from the discharge of a trust, which had now become no less dangerous than

it had ever been unpleasant. And he gave notice to his superiors in England, as he retired: "that, unless those factious preachers are turned out of the colony, there will be disquiets here, as no pope ever acted with greater arrogance; and, without some force to keep those people under, it will be very difficult, if not an impossible thing, to put in execution his majesty's orders, or the laws of trade." Thus, the New English, while "influenced by their clergy, who are ever intermeddling in civil affairs, and stirring them up to disloyalty," continued in every age to fulfil, by their turbulence, what had been originally foretold by philosophers, who knew the correspondence between principle and action.

N E W Y O R K.

IN the mean time this province, having been re-conquered during the second Dutch war, which no man has ever approved, became again a territory of England, by means of the treaty of London. Doubting, with some reason, the validity of his former title, the duke of York easily obtained a new grant of New Netherlands, since recent conquest had given no strength to original defects. Having again subjected the inhabitants as a conquered people, having re-established the former simple form of government, he imposed, by the plenitude of his own power, a variety of taxes, which were regularly collected for its support, till it was discovered, several years after, that they had been created by improper authority. But,
a represen-

a representative body was carefully excluded from the court of assizes, which was sometimes denominated an Assembly, because, with his native temper, " he suspected they would be of dangerous consequence ; as " nothing is more known than the aptness of such bodies " to assume to themselves many privileges that prove destructive."

Appointed to execute that arbitrary system, because his maxims of government were thought adequate to the end, Andros received the submission of the inhabitants, composed of New English Independents and of Dutch Republicans, in October, 1674. In order however " to settle their " minds," he declared, that it was his master's intention, that privileges and estates, possessed prior to the conquest, should be freely enjoyed ; that the " book of laws," formerly established, should be again obeyed. But a people who envy the superior enjoyments of their neighbours are seldom happy. And the clamours of the provincials procured the governor's recall in 1680 ; though it was found, upon inquiry, " that he had neither broken his trust, " nor misbehaved." Vain was it to obtain the removal of an obnoxious ruler, while the arbitrary form remained. Penetrated with their discontents, they indicted Dyer, the duke of York's collector, for a constructive treason, as he had levied taxes without legal authority. Though it was known that he had only collected what had been imposed by the proprietary, who had been advised that he might exercise this extraordinary power, a special court was appointed to try the supposed delinquent. But doubting their own jurisdiction, since Dyer insisted that he had gathered the imposts under the same authority

by which themselves sat, they sent him with his accuser to England. The accusation of such a man, for such a crime, shews the high discontents of the province: the sending of him across the ocean to a different judicatory, after he had been formally indicted, demonstrates the ignorance of the judges, who thus formed a dangerous precedent, perhaps without intending it. And Dyer complained of his accuser, who did not appear to prosecute, when they had thus gained their important point. Encouraged by their triumph over a governor and a collector, every rank in the province, public as well as private bodies, joined in a petition to the duke, "to allow the people to participate in the making of laws." Owing to various causes their application met with more than usual attention. The provincial revenue expired at a time when the proprietary's right to renew it was doubted, rather than denied, by the ablest lawyers in England; when the collection of it was avowedly opposed in the province with a spirit which demanded compliance. The adversity, which had lately persecuted himself, made him think, probably, of what he owed to those committed to his charge. And he resolved to gratify the desires of his tenants, but with a condition, that they previously promised to grant a revenue for the support of his government. In September, 1682, the same frame of polity was established for New York as other unchartered colonies enjoyed, particularly in the choosing of representatives. Never was any boon received with so much joy. Having been thus governed almost twenty years, "at the will of the duke's deputies," they expressed their gratitude for this long wished for change

change with an ardour in proportion to their late misery and present happiness.

Dongan called the first assembly in October, 1683. And their conduct immediately shewed how much that prince's sagacity had penetrated their real purposes, and how justly he had foretold what must be the result. Their first law declared, with the genuine spirit of sovereignty, that the inhabitants of a conquered province should be regarded as natural-born subjects; without adverting that they became naturalized by conquest: their second act formed a declaration of rights, since they did not reflect, that sovereign legislatures, and independent nations alone, assert, by their own resolutions, their own privileges. And having procured the governor's assent to laws of domestic œconomy but of less importance, they performed the promise which had been extorted from them as the price of their present enjoyments; by granting a revenue for a limited time. Neither the acts of this assembly, nor those of a second, which was called in the subsequent year, ought to be regarded by the world, since they have been exploded by the province. Inflamed by the passion of the moment, the revolution-convention declared, that the laws, enacted under their proprietary, should be considered as void in the creation, not so much for the reasons which they chose to avow, as that they wished to express their contempt for a prince who had long ruled them as a conqueror, but had now ceased to be an object of their gratitude or terror. And the conduct of both assemblies is remarkable. When the delegates convened for the first time in October, 1683, they must have derived their authority, either from the commission of the duke of York, or from the choice of their constituents.

If they obtained nothing from him but a licence to meet, what did they acquire from them, who could have sent no deputies to assembly without his permission? If a conquered people could possess few other social rights than those which the capitulation conferred, their representatives could not exercise greater powers than those who invested them with all authority. When wise men perceived, that no assembly could meet without the proprietary's assent, they naturally inferred, that all power must have regularly flowed from his approbation to them. When they saw the territorial legislature declaring, with the decisive tone of supremacy, what should be deemed the rights of their electors, they equally concluded, that such a community must have considered itself as free from restraint, because independent on the will of another. Elevated by the enjoyment of greater privileges and avowed protection, the provincials thenceforth exerted unusual energy: they enlarged the field of their industry; they extended their commerce among the western tribes, who had long waged bloody warfare with Canada. And they in future only feared for their safety, amid their various adventures, when they saw the French endeavouring to gain their Indian allies, and to extend their southern settlements, which were, however, sometimes checked by Dongan, who was said to have been "an irreconcilable enemy to a French power, though he was a papist."

NEW JERSEY.

A SCION from New York, New Jersey either prospered or withered, during every season, as the stock flourished or declined. In November, 1674, Andros equally received possession of this province from the Dutch, which had been equally re-granted to the duke of York, without regarding the previous title of Carteret and Berkley; which he governed in a similar manner, under a similar authority; enacting laws, and enforcing obedience; imposing taxes, and compelling payment. While it was thus ruled as a conquered province, lord Berkley transferred his undivided pretensions to William Penn, and his associates, because ten years experience had convinced him, that no man ought to covet extensive territory beyond the Atlantic, who expects immediate profit, or subsequent glory. Aware of the inconvenience of a joint property, the extensive country surrounded by the Hudson, the Ocean, and the Delaware, was divided into moieties in 1675, and thenceforward was distinguished, in American annals, as East and West Jersey. Of the former, the duke of York released to Carteret, not only the soil, but the jurisdiction: of the latter he retained the government, which, till 1680, was ruled as an appendage to New York; feeling, meanwhile, what is of all others the greatest of mortifications, dependence on a dependent. And here were sown in those complicated measures, arising from accident rather than from policy, the seeds of future altercation, of litigated

tigated jurisdiction, of contested property ; which damped for ages general prosperity, and destroyed mean time private happiness.

Carteret, who, having been expelled in 1672, resumed in 1675, the government of East Jersey in peace, because he extended, on his arrival, the payment of quit-rents to a more distant day, and granted additional concessions with regard to the tenure of lands. But though apparent tranquillity was restored, since the attention of the individual was turned to the acquisition of territory, discord was only allayed, but not repressed. When the assembly convened in October, 1681, the dissensions of the chief ruler and council on the one side, of the burgesses on the other, left an example to the world how easily subjects for contest are found, when litigants professedly look for them. And the governor dissolved the assembly, when he discovered that obstinate pertinacity had usurped the place of fair discussion. The delegates, however, protested against a measure which put an end to their power ; insisting on what the representatives of no other colony have ever contended for in their warmest struggles for power ; that his commission and instructions contained not the power of dissolution. Unable to govern or to please a contentious people, the proprietary conveyed in February, 1682, his rights to William Penn, Richard West, and their associates ; who, “ after the disappointment of the intended insurrection, by the recovery of “ the king at Windsor, resolved to be gone to America.” Yet they had the mortification to discover, what experience had taught to others fifty years before, that to people and to rule a distant colony is a difficult task. And they thought it prudent to convey one half of their interest

terest to the earl of Perth, and his Scotch co-partners, who also wished to acquire wealth and power by colonization; who, in the subsequent year, obtained from the duke of York a confirmation of a title, which they justly supposed to be defective without it. The religious contests of that age enabled them to send colonists from Scotland, who, urged by the principles which had brought forth non-conformity in their native land, naturally practised disobedience, when their seditions could be no longer watched, nor their submission enforced.

Wearied with constant solicitation, and convinced by the undecisive opinion of Sir William Jones, that he could not tax West Jersey by his sole authority, that prince released his right of government to the proprietors of West Jersey, in August, 1680. But in vain was this wilderness declared independent of New York, while her assembly extended, in 1683, the same taxes to it, which were then imposed on their constituents. This remarkable act of jurisdiction, at the same time that it shews the feebleness of Jersey, demonstrates how little the powers of local legislation were in those days understood, or whence they were derived. Planted by independents from New England, by covenanters from Scotland, by conspirators from England, such scenes of turbulence were exhibited in these inconsiderable colonies, age after age, as acquired in their history the characteristic appellation of "The Revolutions."

P E N N S Y L V A N I A.

IT was during those transactions in the Jerseys, that William Penn's ambition was fired, that his sagacity discerned the advantage of procuring a separate settlement on the banks of the Delaware; that his address enabled him to obtain a grant of Pennsylvania, notwithstanding every obstruction. He knew that statesmen are governed less by formal system than by present intrigue; and he flattered himself, that his own management and perseverance would subdue the well-grounded jealousy, which had long prevailed with regard to proprietary-governments.

In granting the charter of Pennsylvania, a caution was assuredly used, in proportion to the inattention with which former patents had been given, almost to every petitioner. Twenty years experience had now taught circumspection; and the recent refractoriness of Massachusetts had impressed the ministers with a proper sense of danger, at least of inconvenience. Having been told that the northern boundary of Maryland must not be infringed, Penn sketched, from her envied charter, a draught of one for himself. But, having revised both with unusual care, the attorney-general pointed out "the clauses that were not agreeable to the laws here." And, warned by his objections, the lords of the committee for colonies requested North, a chief justice, celebrated no less for his talents than integrity, "to provide, by proper reservations, that the sovereignty of the crown was reserved,

“ served, that acts of parliament, concerning trade and
 “ the customs, should be duly observed, and that it
 “ should be so drawn as to consist with the king’s in-
 “ terest, yet to give sufficient encouragement to settlers.”
 He was naturally directed in his judgement by the laws
 as they had been lately established. The acts of navi-
 gation having been passed in the present reign, and a
 seed-plot for future taxes recently formed, he therefore
 introduced formal expressions to enforce obedience to the
 one, and to compel the collection of the other. The
 sovereignty of the state, and the power of parliament,
 were all reserved with such cautious clauses, as demon-
 strate the soundness of his own judgement as well as the
 fears that were entertained for the future from a remem-
 brance of the past. Modern times have heard a con-
 struction given to the whole, which, by substituting
 vague implication for express stipulation, has overturned
 the learned labours of North, and left the charter of
 Pennsylvania a form without a spirit. Yet the decla-
 ration, which effected both, only demonstrates, that an
 acute partizan, disregarding of truth, can easily find an
 evasion at the call of faction or interest.

Having thus obtained, in 1681, a grant of an exten-
 sive territory, with great power to himself, and conside-
 rable privilege for the colonists, Penn soon dispatched
 Markham to occupy a region, which was professedly de-
 signed “ to extend the English empire”; in order to
 discover the land, and to provide habitations for a nume-
 rous emigration. During a season of religious and civil
 contest, it required not the eloquence of Penn, to per-
 suade men to leave a country where they thought them-
 selves aggrieved, that they might gain the enjoyment of
 pecu-

peculiarities, which a licentious world despised. He offered them possessions that promoted their interest; he laid before them "a frame of government," which gratified their vanity. And many hastened to embrace flattering proposals, that they naturally supposed would be executed with precision in Pennsylvania. While soliciting the emigration of others, he obtained from the duke of York, in August, 1682, a grant for himself of the Delaware colony; which that prince had no other authority to convey, than that he had possessed, since 1674, a narrow tract of country which had been granted to the family of Baltimore two and forty years before, and continually had been claimed.

The proprietary arrived in Pennsylvania in October, 1682; bringing with him about two thousand emigrants, who sought what they really obtained, a toleration, not only for their peculiar principles, but for their modes of life. He not long after delineated the plan of Philadelphia, which in three years was graced with six hundred houses; which, in aftertimes, became so remarkable for regularity of structure and excellence of police. He called the first assembly in December, 1682. To this convention every freeman might have appeared in person, because, he derived this pleasing privilege from the system established in England. But doubting, with a modesty which did not descend to their posterity, "their own unskilfulness in government," they sent deputies to represent them in the provincial council and in the general assembly. A measure, probably suggested by Penn himself, was readily adopted by all. The representations of the people were formed into "an act of
" set-

“settlement,” which declared, that these delegates should constitute the legislature, to consist of the council, and of the assembly; that the counties should in future send the same number of representatives to both. Reflecting on the advantages of union, they passed a law, uniting the Delaware colony to the province, without considering that they had as little right to unite themselves to it as to Canada or Peru. And they passed a variety of laws, which, proceeding from their situation and their habits, established a system of good sense, that, while it inculcated maxims of œconomy to which Pennsylvania owes much of her former prosperity and present power, has attracted the notice of the world. From the assembly, Penn hastened to Maryland, in order to settle with Baltimore, what are every where so perplexing, disputed boundary and litigated jurisdiction. But they conferred often without success, because, having penetrated the designs of each other, both resolved to derive every possible advantage; Calvert, from the certainty of chartered limits; and his new neighbour, from the doubtfulness of obscure description. And the event demonstrated, that jealousy, incited by interest, is seldom allayed without gratification.

The proprietary returned to his province with a mind full of new schemes of government, while his diligent followers were occupied with various projects of agriculture and traffic. Dissatisfied with the late act of settlement, because, owing to the number of the representatives, his own power was endangered, he had the address to obtain from the assembly of 1683, a modification of the former constitution, more favourable to his views. In return for an attention, which invigorated
his

his power, he declared, that the lands of aliens, who died unnaturalized, should descend without forfeiture to their heirs; that every one might hunt in the wilderness, might fish in every water. It is not easy to set bounds to innovation. The present system was no more permanent than the former: and it was not till it had undergone various changes, dictated chiefly by the caprice or interest of that famous founder, that seventeen years after the Pennsylvanian constitution, so celebrated for its provisions in favour of liberty, was at last established. Having thus succeeded in his present designs, and being desirous to procure the royal determination of his dispute with Calvert, the proprietor returned to England in August, 1684; leaving the government of a prosperous province in five commissioners, whom he had chosen from the provincial council. Though, to gratify his democratical followers, he had divested himself of great apparent power, which it was the principal object of his life to regain, he enjoyed prodigious influence, because he had much land to grant: when he ceased to give, and began to ask, his consequence declined. The inhabitants he left in envied tranquillity, because jealousy was allayed in their present ardour to gain a settlement and to acquire stability. At his departure, Pennsylvania already contained eight thousand planters; so great had been the emigrations thither, during the last years of the reign of Charles II. owing equally to their fears of James II. and to the flatteries of Penn.

M A R Y.

M A R Y L A N D.

FROM the restoration to the arrival of the Pennsylvanians in their neighbourhood, the Marylanders had enjoyed under a prudent administration, great prosperity, if not happiness. They engaged successfully in the adventures of peace, without courting or fearing the dangers of war. And they passed "successive acts of gratitude" to Calvert, their governor, the apparent heir of their proprietary, "as a token of their love; considering he had lived long in the province, and done the people many singular favours." Happy people, who find proper opportunities for such effusions of gratefulness! Fortunate rulers, who experience such returns for their just attention! But that country is not always exempt from faction and intrigue, which is free from clamour. The popish fiction, which, during that reign, disgraced England in the eyes of the world, extended its baneful influence to a province, inhabited by a mixed people and governed by popish rulers. Here with a spirit that has at all times influenced the colonists, men prepared to draw every advantage to themselves from the contests of the parent country: they hoped, "that, upon the king's meeting the parliament, there would be such differences as would occasion civil wars, and then they might possess in Maryland what estates they pleased." The final success of Charles II. by the dissolution of the Oxford parliament, enabled Baltimore to obtain a similar triumph over his provincial opponents.

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Fendal,

Fendal, who, having been found guilty of treason at the restoration, and pardoned, was tried in 1681 "for seditious practices;" but with the former lenity he was now banished, though to the laws of the province he had forfeited his life. And his associates were punished with fine, because, during times of high passion, moderation conciliates, where severity would only inflame. Dissatisfaction easily finds pretences. While the tumults of the popish plot yet rang in their ears, the ministers of Charles II. shewed their ignorance of the constitution of Maryland and of the qualities of its inhabitants, when they commanded what they had no more right than any other men to command, "that all offices should be put into protestant hands." Competition between the protestants and papists continued however to embitter private enjoyment, till the sad epoch, when the former excluded the last from every privilege of freedom, because the descendants of the original settlers at present enjoyed equal rights.

Against accusations "of his partiality to papists" the proprietary easily defended himself, since he proved that they were untrue. But, when the officers of the customs complained of his opposing them in the execution of their duty, he was unable to remove imputations that were founded in truth. Surprised at unexpected oppositions in return for favours conferred, Charles II. commanded Baltimore, in August, 1682, "to take care that the laws relating to the trade of the plantations be faithfully executed, that due encouragement be given to the collector of the customs, particularly in the punctual collection of the impositions, payable to us by act of parliament." In his expectations of wealth, from a
colo-

colonial revenue, that monarch threatened him with a writ of quo-warranto, " if he did not reimburse the large " sums that the customs had been damnified by his ob- " structions." And the proprietary recriminated on the the officers, in language which shewed the motive of his conduct, " that they were disturbers of the trade and " peace of the province." Yet he was censured while they were found innocent, because petty irregularities are overlooked in strictness of duty. And we shall soon see the provincial opponents of Baltimore making the bars, which he had thrown in the way of the revenue-officers, a pretence for a revolution that overturned the antient fabric of his power. Maryland was subjected at the same time to the disgrace of dismemberment, for the faults of her proprietor: the intrigues of Penn induced an irritated sovereign, contrary to her charter and to justice, to deprive her of one half of the peninsula, formed by the Delaware and Chesapeake: the clamours of Virginia were made the motive for divesting her of her chartered jurisdiction over the river Potowmack.

The contests of England continued to agitate a province, which had now acquired twelve thousand inhabitants, till the unpleasantness of altercation ended in the turpitude of homicide. In 1684, Rousby, the collector of the customs, was slain by Talbot; who, to the advantage of being a kinsman of the Calverts, enjoyed the consequence annexed to the station of counsellor. For a crime, arising from the vehemence of the times rather than the depravity of the heart, he was tried in Virginia, though it had been perpetrated in Maryland. This remarkable circumstance demonstrates, how little jurif-

diction was then understood, at least regarded : and he was properly pardoned in the subsequent reign, because even enormity ought not to be punished illegally, though perhaps he derived that safety from his religion, which justice had pleaded for in vain.

V I R G I N I A.

IN the mean time, the repose of this most antient dominion was still more disturbed than the tranquillity of Maryland had been, by conspiracy and civil war. Unable by salutary laws to remove the cause of discontents, which had for some years existed, the assembly sent agents, in 1675, to solicit in England for greater immunities. In return for former attachments, they earnestly asked for a royal declaration under the great-seal, "that Virginia shall no more be transferred in parcels to individuals, but may remain for ever dependent on the crown of England ; that the public officers should be obliged to reside within the colony ; that no tax should be laid on the inhabitants, except by the assembly." While their antient loyalty was still kindly remembered, they easily obtained the object of their prayers. Yet experience had now quickened apprehension. And when the lords of the council for colonies recollected, that the supreme legislature had only four years before imposed customs on the colonies, they thought it their duty, because they were now convinced that a king of England could not dispense with law,

law, to insist, by explanation, "that these concessions shall be no bar to any imposition, which may be laid here by the king in parliament." In the moment when the chancellor was about to affix the seal to the grant of a boon, which every one thought was due to the merits of the Virginians, tidings arrived, that they had without provocation revolted.

To other causes of dissatisfaction, the planters had for some time been harrassed with the inroads of the neighbouring Indians, which the celebrated Berkley wanted in his old age the talents or the power to restrain. And, impatient of delay, the multitude with their usual imprudence chose Bacon as their general, a young man, who had long practised popular arts, and had lately urged them to action. Their ancient ruler refused to confirm their choice, because, though the insurgents had found a pretence in the purpose to chastise the savages, he suspected different designs. Associates in arms are of all men the most confident. Having in June, 1676, surrounded the assembly with his armed followers, Bacon easily compelled them to grant his demands by those arguments which every where prevail. Freed at length from apprehensions of violence, the representatives of the province advised the governor to denounce that able incendiary a rebel. Bacon however soon convinced the world, that promptitude of resolution and energy of action are sufficient to overturn a government better supported than Berkley's. And, unable to oppose him with force, the ruler, who had outlived so many storms, retired from the blast beyond the Chesapeake, till he could collect the well-affected, or receive reinforcements from England.

Having thus acquired the command of a province, containing forty-five thousand inhabitants, Bacon called a convention of deputies, that he might gain applause and strength from their approbation. They accused Berkeley of fomenting a civil war, though he had governed five and thirty years without complaint; of abdicating the government without any adequate cause, though he had only retired to a different county. Foreseeing from their information, the arrival of troops from England, they resolved, in the style of universal revolt, "that it consisted equally with the welfare of the colony, and their allegiance to his majesty, to suppress such forces, till the king should be informed of the cause of their proceedings, by such persons as their general should send." And they obliged the inhabitants to swear allegiance to Bacon in the mean time, in order to bind their attachment by the force of so solemn a promise. During the eight months which this inconsiderate insurrection continued, Virginia suffered every calamity that civil contest can inflict; devastation, fire, military execution. But it ended in January, 1676-7, by the death of their general, rather than the exertions of the governor, because the insurgents had now no leader of adequate talents, and they seem to have had yet no settled purpose. We look to no purpose into their manifesto for their real motives, which cannot now be easily discovered. Ludwell, the secretary of that dominion, who had carefully remarked their progress, wrote Coventry, the secretary of state, in April, 1677: "that the grounds of this rebellion have not proceeded from any real fault in the government, but rather from the lewd disposition of desperate fortunes, lately sprung up amongst them,

“ them, which easily seduced the willing minds of the
“ people from their allegiance, in the vain hopes of taking
“ the country wholly out of his majesty’s hands into
“ their own : Bacon never intended more by the pro-
“ secution of the Indian war, than as a covert to his
“ villanies.” Such were the arguments of a man who
had suffered in the conflict. The rebels, like all other
insurgents, who had drawn the sword without a cause,
wished probably to enjoy the pleasures of present power,
and determined certainly to seize the advantage of sub-
sequent opportunity ; in the spirit of Cromwell, when
he said, “ that men never mount higher than when they
“ know not whither they are going.”

Charles II adopted every measure that promised to re-
claim the revolted, or to punish the disobedient. He li-
terally copied the energetic example of the common-
wealth on a similar occasion. And he detached a small
armament under Berry, who, with two other commissi-
oners, was appointed to inquire into the cause of late
distractions, that redress might be given ; who was or-
dered to proceed speedily against the rebels, that submis-
sion to law might again be restored. While that mo-
narch commanded other colonies neither to aid nor to
conceal Bacon, whom he considered as the sole promoter
of the insurrection, he directed that the offender should
be sent to England, for trial and for punishment, which
must have operated as an act of revenge rather than an
example to the guilty.

The royal commissioners found Virginia already en-
joying the blessings of order. They seemed to regret that
an assembly, which Berkley had called on the death of
Bacon, had left them little to perform ; whose acts were

afterwards disallowed, because they were contrary to the king's proclamation of October, 1676. The act of attainder, which had been passed for the correction of rebellion, was supposed without any valid reason to have been void in the creation, since it was enacted by incompetent jurisdiction. Berkley was superseded, because much of the late mischief was said to have been owing to his imprudence, or incapacity. The loyalists, who had sealed with their blood their attachment to their king and the laws, were discountenanced by the commissioners, because the insurgents, who had met with powerful friends in the nation and the parliament, were now to be gratified by any means. Having invited the people to bring in their grievances without fear, every county and every individual sent the royal representatives complaints, which, arising merely from prejudice, it was impossible to redress. In the height of their zeal for inquiry and reformation, they forcibly seized the records of the assembly. But the burgesses, who convened in October, 1677, demanded satisfaction for their injured privileges, in such language as shewed that the suppression of revolt had not strengthened authority, nor the offers of pardon prompted moderation. Informed of their contemptuous resolutions, Charles II. expressed "his indignation at that seditious declaration;" by directing, with an impotent spirit, his governor "to give the leaders marks of the royal displeasure." Like many of his successors, Jeffereys found it necessary to suppress commands, which had only roused opposition without correcting delinquency. The commissioners left Virginia more unsettled than they found it, since their maxims and the actions pleased no party, neither the rebels nor the loyalists,

ists. And they transmitted an example to posterity, how seldom statesmen gain their ends, who substitute supposed expedience for absolute right.

In the place of imaginary ills, the Virginians now endured real ones. The petty army which had been sent to quell the revolt lived at free quarter, as no pay was remitted to the soldiers from England. Having paid no quit-rents during the three years of distraction, the colonists thought the arrears so vast a sum, that the assembly declared it would fall heavy upon all if rigorously collected : and they begged for a remission of the past, and for an appropriation of the future rents, to the defence of the frontiers and other local uses. Before July, 1680, Charles II. had so effectually granted every request, since he had no purpose to oppress, that only one inconvenience remained, which it seemed beyond the power of man to remove, without individual diligence and public regulation ; “ the low price of tobacco.”

On the decease of Berkley of a broken heart, lord Culpeper was imprudently appointed governor of Virginia for life. He found the province in May, 1680, in perfect tranquillity. And he soon laid before the assembly a variety of bills, which had been framed in England from a consideration of the late transactions, and transmitted under the great seal, because it was intended to introduce here the modes of Ireland. While the late insurrection and the late favours were yet remembered, these bills were enacted into laws, though with some difficulty. Another change of more lasting consequence was then engrafted into the Virginian constitution. During the irregularities of the civil war, the assembly had acquired the right of appeal from inferior judicatories. But the
burgesses

burgesses having insisted lately, with the ambitious spirit of that age, on the exclusive privilege of ultimate jurisdiction, since it seemed absurd for the governor and council to vote in causes, which themselves had determined, Culpeper was ordered to allow no appeals, except to the king in council. The same instruction was transmitted to other governors, though there seems not to have existed the same necessity, which, however, established finally the modern practice.

The assembly encouraged the manufacturers of the province, in order to raise the price of their staple, but without success. And the inhabitants of several counties associated to enhance the value by lessening the quantity, instead of endeavouring to meliorate the quality. With riotous force they destroyed their own tobacco-plants, and had soon laid waste every plantation, but for the vigorous conduct of the lieutenant-governor, who soon re-established quietude, by sending patrols of horse into the dissaffected counties. The most active incendiaries were indicted of high-treason, and executed. Regarding the destruction of their staple as an attack on their existence, the assembly declared, that it should be high treason for eight or more persons, convened with an intent to destroy tobacco, to continue together four hours, after they should be commanded by a magistrate to depart. From the practices of the insurgents, and the acts of their legislature, we may infer what must have been the gloomy temper of the Virginians during that age. And lord Culpepper seems to have found no pleasure in governing such a people, during such a season. Having returned a second time, contrary to his orders, he was immediately arrested; having received presents
from

from the assembly, contrary to his instructions, a jury of Middlesex found, that he had forfeited his commission. And having shewn by his conduct, that they who act under independent authority will seldom obey even reasonable commands, no more governors were appointed for life.

N O R T H C A R O L I N A.

ORIGINALLY a sprout from Virginia, this unprosperous plantation naturally produced the same unpleasant fruits, during that boisterous season. Alteration of system, no less than change of governors, had long prevented the growth of a colony, which, in 1675, contained only four thousand inhabitants; who derived unhappily no benefit, either from the coercion of laws, or the influences of religion. Their inconsiderable traffic was almost wholly engrossed by the traders of New England, who, from a double motive of interest and faction, not only supplied their wants, but directed their affairs. And uninformed, because unconnected with the world, the Carolinians were admirably qualified for instruments to perform, in interested hands, the gainful work of others. In looking round for expedients, the proprietors nominated Eastchurch governor of this petty settlement, in November, 1676, because they thought him qualified to rule a people, the speaker of whose assembly he had been. Miller was appointed secretary, and, at the same time, the first collector of the parliamentary duties, as he too had acted a conspicuous part

part in that turbulent scene. From the exertions of the one, those noblemen were induced to expect the promotion of those designs, which had been hitherto neglected, perhaps opposed by their officers. From the fidelity of the other, the commissioners of the customs hoped, that the colonial commerce would soon be turned into a more profitable channel, by obliging the New English merchants to pay the same taxes as other colonists, and in the same manner to obey the acts of navigation.

In July, 1677, Miller took peaceable possession of the government, as president of the council, till the arrival of Eastchurch. Beginning the ungracious work of reformation, under this feeble authority, he endeavoured to promote at once a more direct trade with England, and to destroy the New English monopoly. He compelled a collector, appointed by the assembly, to refund the parliamentary customs, to the amount of three thousand pounds. And, in his zeal to give a tone to a relaxed system, he is said to have done many extravagant things, which lost him the affections of a people, who regarded every restraint as oppressive, because it was uncommon. A dispute with Gillam, a New English trader, with regard to the entering of his ship and the payment of duties, set the match to the train that had been for some time laid in the ignorance of the people and the faction of their leaders.

In December, 1677, the insurgents imprisoned the president and seven of the counsellors; they appropriated the royal revenue for supporting their revolt; they appointed officers, and erected courts of justice; they called assemblies: and, wholly unrestrained in any manner or by any motive, they exercised, for years, every
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act of sovereign authority. Among the variety of men, whom a turbulent age furnished for every exploit, the revolvers found a leader in Culpeper, who was described, by the proprietaries, as “ a very ill man, who had fled “ from South Carolina, where he was in danger of hang- “ ing, for endeavouring to set the poor planters to plun- “ der the rich.”

In order to justify their inconsiderate insurrection, and to gain partizans to an unworthy cause, the insurgents published a manifesto, which, on such occasions, is deemed necessary ; which, being conceived in a vulgarity of sentiment equal to its perplexedness of style, pleased such a people, though it avowed reasons to the world, that no one’s heart adopted. But vigilant observers of the practices of sedition in the continued conduct of the principal conductors insisted : “ that the rebellion of “ the inhabitants of Albemarle arose from no sudden “ provocation, but was the effect of deliberate contri- “ vance.” The chief rulers informed the ministers of Charles II. “ that Culpeper, Gillam, and other New “ Englanders, had a design to get the trade of this coun- “ try into their own hands, and not only to defraud the “ king of his customs, but to buy goods of the inhabi- “ tants at their own rates.” It was apparent, that the New English were the chief promoters of the rebellion : it is certain that they hoped to gain, what they already enjoyed in their own country, an unrestrained traffic, with its usual advantages. When Eastchurch at length arrived, he encountered similar opposition, because it was inconsistent with their designs to admit the re-establishment of order. And he applied to Virginia for aid ; but died of vexation before it could be given. After

two years successful revolt, the insurgents sent Culpeper and Holden to England, to make a tender of their submission to the proprietaries, since the pleasure of novelty was passed, yet to demand the punishment of Miller, as they hoped to derive a gratification from their own misconduct.

Having executed his embassy with a mixture of good and ill success, Culpeper was seized, by a warrant from the privy-council, as he was returning to Carolina. Accused of acting as the royal collector, without authority, during the insurrection, it was in vain for him to beg for mercy, or, at least, to be sent for trial to the country where the supposed crime was committed. Under the authority of the statute of Henry VIII. he was tried in the court of king's-bench, during Trinity term, 1680, for high-treason, perpetrated without the realm. Five witnesses established every circumstance of the revolt, in which it was proved, that Culpeper had acted a principal part. But, lord Shaftesbury, who, as a proprietor, was presumed to know much of the affairs of Carolina, who possessed still greater influence from his prodigious popularity, representing that the late disorders could only be regarded as feuds between the planters, the criminal was acquitted, contrary to the sense of the judges, who thought him guilty, because he had forcibly opposed the proprietary government. All lawyers acknowledged, that foreign treasons might be inquired of in the court of king's-bench, under the directions of a positive law, though the more cautious doubted, whether, admitting the charge to be true, it amounted to so great a crime.

The event of the trial determined the proprietaries, with regard to the course they should follow in re-establishing

blishing the affairs of Carolina. Long had they deliberated, whether to regain their lost authority by force, or by treaty; by sending an armament, to compel every one to obey their lawful power, or by accepting the conditional submission of the insurgents, to receive such obedience as they seemed willing to yield. In adopting the last alternative, those noblemen shewed their present weakness; they courted future opposition; and they cultivated a spirit, which at length deprived them of power. With these intentions they established a temporary administration in 1680, which was little regarded, since expected change seldom procures prompt compliance. The proprietaries threatened, when it was too late, "to use force to reduce the seditious to reason"; but the Carolinians knew, that threats are always dictated by imbecillity. An act of oblivion, with an exception "of the king's dues, and his collector's estate," was passed to little purpose among a people, who thought themselves as guiltless as Culpeper. And a triumphant faction having usurped the place of government, this miserable colony was harrassed, for several years, by fine, imprisonment, and proscription. The New English rejoiced at the mischief they had made, in proportion as they had gained their object; as they enjoyed, amid distractions in which they delighted, all the advantages of an uninterrupted commerce, since the unpitied fate of Miller gave warning to other collectors, how they zealously executed the acts of navigation.

S O U T H C A R O L I N A.

MEAN while the perseverance of the proprietaries had here conquered difficulties, though they had been opposed by the obstructions of former times, which rather enlivened hope than confirmed despair. The prudent application of eighteen thousand pounds had given it the appearance of a settled colony before the year 1674. But when they ceased to feed and to clothe the colonists, because they saw not how they were to be re-paid, complaint was made, and reproach was insinuated. They wisely resolved to make no more desperate debts, since they aimed not at the profit of merchants, but the encouragement of landlords. Yet, still willing to give encouragement to the industrious and the honest, they desired these to consider how returns were to be made, if they intended to have supplies for the future. The planters at length exerted themselves, when they no longer relied on the support of others. Exertion naturally produced prosperity : success promoted internal population ; while encouragement filled the province with dissenters from England and Scotland, with protestants from other European countries. Charles-Town, their elegant metropolis, was founded in 1680, on the confluence of the rivers Ashley and Cooper, after other situations had been tried without success. Yet, amid unusual felicity, “ this hopeful settlement had well nigh been “ ruined” by a war with the Westoes, a powerful Indian tribe, who were treated by the colonists as savages, because

because they preferred warfare to slavery. Notwithstanding the most vigorous remonstrances of the proprietaries, this province long continued "that barbarous practice," which was then introduced, of promoting Indian hostility, that they might gain by the traffic of Indian slaves. And laws were procured by the importunities of the chief rulers without success, because they contradicted the degenerate spirit of the multitude. Refractoriness procured change of governors, successive alteration of officers necessarily introduced faction; and from universal turbulence resulted a mode of intestine government, at once tyrannous and weak.

Thus during the reign of Charles II. were seven plantations added, either by settlement or conquest, to the more antient colonies: thus five new charters were granted at a time that the old were complained of, either as inconvenient at present, or as dangerous with regard to the future. The colonial administration of that prince formed a remarkable tissue of attention and neglect, of imbecillity and vigour; of measures adopted that were in the same moment rejected; of laws enacted, which were immediately dispensed with. It was to this reign, however, that the nation and her territories owe the monopoly of "the plantation-trade," which, in successive ages, has engaged the praises and the censures of the wise; and the establishment of a colonial revenue, with the introduction of custom-house officers, that have been attributed lately to a period at the distance of a century thereafter. By the colonists both were regarded with that jealousy and hesitation, which supposed innovation always inspires, though the principle of both had existed, without efficacy indeed, from the date of original emi-

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gration. And in the result we have seen^e seditions in some settlements and revolt in others: Bacon's rebellion in Virginia, Culpeper's rebellion in Carolina, and Gove's rebellion in New Hampshire: in every other plantation disorder sprung from turbulence, and insurrection from anarchy, while the provincials watched the factious contests of the parent, with design to derive, from her distractions, every advantage to themselves. The cancellation of the charter of Massachusetts, in order to exhibit an example of the most refractory to the more peaceful, was a measure that necessity rendered just and precedents made legal. But Charles II. lived not to complete the plan of reformation, which, from the moment of his calming the troubles of his kingdom, he had resolved on as necessary; which he thenceforth pursued with a steadiness, unusual, in proportion as he was constantly put in remembrance, that he enjoyed little real power amid distractions; proceeding partly from primitive dispositions, perhaps more from chartered forms of his own creation*.

J A M E S

* Composed of the loyalist and republican, the first ministers of Charles II. were so entangled in ancient habits and in noval maxims, that we see Clarendon and Southampton dispensing with the acts of navigation in favour of Scotland and New England, and afterwards retracting. He, however, who would form an accurate judgement of the national policy, with regard to the colonies, during the foregoing reign, must attentively peruse the elaborate charter of Pennsylvania, which, having been revised by the ablest statesmen and lawyers, after a reform had been resolved on by their advice, may be supposed to contain, in the sentiments of both, the deliberate opinions of the age. Prejudice is an obstinate passion. Even after "the question, " that

JAMES II.

PROCLAIMED in the plantations, with gladness or with sorrow, as they were each differently affected with hope or apprehension, the new sovereign instantly turned his habitual diligence to the reconcile-

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"that for many ages had been handled by the most learned of their times, "in the asserting and denying the power of the crown to impose taxes, had "been decided by the parliament's establishing the same," an eminent jurist insisted, "that the king by his prerogative may levy customs on strangers, and their goods, passing through his territories and seas." [Mol. de jur. marit. b. 2. ch. 12.] But the popular sir William Jones, about the same time, certified, in the language of doubt, "that, by any thing "he had heard, he was not satisfied the duke of York could demand any "duties of the inhabitants of New Jersey." The same great lawyer assumed it however as an incontrovertible principle, in giving his official opinion on the statute of the 25 Cha. II. "that the parliament might rightfully impose taxes on every dominion of the crown." [His report is in rec. plant. off. N. Eng. 2 v. p. 88.] Vain is it to search, during the reign of James I. and his successor, for judgements of the courts of justice, with regard to the colonies, while the fountains of law were choked up. Owing partly to the reasonings of the long parliament, perhaps more to the actual practice of the legislature, at the restoration, the judges in Westminster-hall thence forward affirmed, "that the plantations were bound by acts of parliament, whenever they were named." [Freeman's rep. p. 175; Modern rep. 3. v. p. 159.] And they soon illustrated their reasonings, by saying, "that Ireland, Guernsey, and other dependent territories, are obliged to "obey the rules prescribed by parliament, in the same manner as the colonies "are." [Vaughan's rep. p. 400; Modern rep. 4 v. p. 225.] When

Molloy,

ment of dissention and the re-establishment of order. More attentive to business than his predecessor, more informed of the detail of commerce, and more experienced in colonization, he worked on his model of reformation with an assiduity, which always ensures success. Little regardless of the means, he made every consideration yield to policy. And, like his father and grandfather, substituting the dictates of prerogative for the exertions of the legislature, we search during his reign to little purpose for rules prescribed to the colonies by parliament, or for duties imposed.

This spirit, conjoined with a sense of necessity, induced him in September, 1685, to establish a temporary government for Massachusetts, in the room of the ancient usurpation, that the writ of quo-warranto had lately overturned. The continued confusions in New Hampshire, and the recent dissatisfactions of Maine, urged him
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Molloy, a learned writer of that age, published the first essay on colonial jurisprudence, he adopted similar doctrines, by insisting, "that the plantations have not the right of supremacy, which kingdoms having no dependence on each other only enjoy, for they are governed by the laws prescribed by the sovereign of the same, who may set jurisdictions." [De jur. marit. 3d. edit. 1682. b. 3. ch. 3. 5.] Molloy's "treatise of affairs, maritime and commercial," offers a remarkable instance of the triumph of utility over elegance. His topics were so useful to the individual, and so important to the nation, that several editions of his book were demanded, at a time, when Shakspeare and Milton lay neglected on the shelf or the stall. And, the avidity, with which his intelligent pages were read by an unexperienced people, furnishes no inconsiderable proof of the ardour displayed by the English, in domestic traffic and foreign enterprise, during the reign of Charles II. and his immediate successor.

to associate both with her in the same vigorous system. Composed of a president and council, chosen by the king from the least enthusiastic of the inhabitants, the new administration was invested with an authority, legislative and executive. During a twelve-month they governed these refractory provinces with an attention to the prejudices of the people, that preserved tranquillity; and they even engaged their support, because, "though the "house of delegates" was laid aside," ancient customs as well as forms remained, which are so influential in every climate. In proportion as they pleased the colonists, they offended the court; so difficult it is to serve at once two masters. And a dissatisfaction with their conduct dictated a revocation of the powers of Dudley and his council, since they had too much imitated the offensive proceedings of their predecessors, in opposing the acts of navigation.

Always prompt, if not precipitant, James II. instantly determined to establish in New England a polity of permanent vigour. Though informed by the crown lawyers, "that, notwithstanding the forfeiture of the charter, "the planters continued English subjects," he invested all jurisdiction in a governor-general and legislative council; who were empowered to make laws and to execute them, to impose taxes and to compel payment. Andros, a military-man of high political character, who, from his experience at New York, was supposed to know the men now committed to his charge, was appointed commander in chief. His instructions exhibit a singular picture of the mind of his employer, humane and severe, tyrannous and conciliatory; affecting an attention to the rights of the governed, while by the same

stroke he removed the fence which secured them. And two companies of soldiers were sent at the same time to Boston, in order to support such an administration over such a people. In December, 1686, Andros was received with apparent satisfaction, because a smaller evil is welcome when a greater is expected. He ruled the New Englanders with that conformity to orders, as to leave his accusers, though urged by political hatred, no other charge in the subsequent reign, than that he had executed a commission, which was at length considered as illegal. Religious liberty for the first time sprang up in New England, under the shelter of despotism: but in the universal toleration, which was allowed and enforced, the Independents thought they saw Antichrist exalted on the ruins of the gospel, and their own meeting-houses shut up, because the church of England was only opened. Thus the New English were wretched, during the short administration of Andros, since they considered "the whole unquestioned right of the subject as taken away," though they felt not the hand of oppression, but only dreaded the loss of enjoyment.

The independence, which Connecticut and Rhode-Island had long exercised under charters that seemed to have really conferred it, did not escape the observation of Charles II. when his jealousy had been roused by opposition, far less the remark of his successor, whose attention was quickened by temper. And it was adopted as a general rule of policy to vacate all colonial patents, since it had been found "to have been of very great and growing prejudice to his affairs in the plantations, and to the customs here, that such independent administrations should be maintained, without more immediate dependence"

"dence on his crown." Formal articles were exhibited before the lords of the committee for colonies, against those transmarine corporations, in July, 1685, accusing them of what was undoubtedly true; of breaches of their charters; of opposition to the acts of navigation. With a promptitude, which shewed that accusation had been sought for in such powerful motives, writs of quo-warranto were immediately issued. Rhode-island, Connecticut, and New Plymouth, not long after resolved "not to stand suit with the king;" framing however their acts of surrender in such studied terms of ambiguity, as to leave room for future controversy, whether they intended to resign their authority, or only to submit to a force, which invalidated every political act. And those little commonwealths were instantly placed under the rigid government of Andros, who was directed to rule them by the same arbitrary powers as he then exercised over the other New English colonies.

NEW YORK.

URGED by similar motives, perhaps more by a recollection of the restraint which had induced him to permit the meeting of an assembly, the king of England did little honour to himself by refusing to confirm the acts of the duke of York. The inhabitants of New York begged in vain for a continuance of a form of government, which, after the long domination of conquest, had given them the greatest satisfaction. Fearful of the encroach-

ments of popular conventions, that monarch gave to Dongan a new commission, which invested him with the same extraordinary power as Andros already exerted over New England. Yet, though the colonists were bereaved of assemblies, they felt no real oppression, because their governor, actuated by his moderation, paid a regard to their prejudices and their rights, that ensured him the gratitude of the province. Connected with the powerful confederacy of the five Indian nations, from the epoch of the Dutch settlement, New York attentively regarded their long wars with Canada, as she was interested in the prosperity of tribes, whose commerce enriched her people, and whose prowess defended her frontiers. Perceiving the dangerous projects of France, in the formation of distant settlements on the communications of the western Lakes, Dongan continually solicited for orders, which he indeed at length received, to aid the five nations; to prevent the encroachments of their enemies. And here commenced the long contests between England and France, with regard to colonial boundary, in the singular enterprize of the one state, in the just jealousy of the other. Foreseeing future danger in the recent orders to Dongan, the French had the address to obtain in November, 1686, a treaty of neutrality for America, which stipulated what discloses their real motives, that no assistance should be given to savages. But having learned at length, from the subsequent activity of the Canadians, that he had consented to a league inconsistent with the true interest of England, James II. soon adopted a more salutary measure, which not long after deprived New York of the importance of separate government.

NEW

NEW JERSEY.

HITHERTO regarded as a dependency, this province was involved in the fate of her neighbour. Amid the continued convulsions, which her principles naturally produced, it answered only a bad purpose for the collector of the customs to prosecute the smuggler, since "juries found their verdicts against the most undoubted facts." A writ of quo-warranto was instantly issued, when complaint was made that the acts of navigation were opposed, as an arbitrary mind is always prompt. In order however to make the blow fall easy, since they could not suspend it, the proprietors of East Jersey surrendered their charter; begging only for a grant of the soil, that they might enjoy in safety what they had acquired with hazard. And their prayers had been assuredly granted, as a reward of compliance, but for the revolution, which not long after turned the attention of both parties to other objects.

While James II. made use of French money to give success to his pernicious plans in England, he executed a measure on which he had for some time meditated as advantageous to his kingdom; which the wisest of his successors need not have disclaimed. Having penetrated the ambitious designs of France in America, he adopted the only project that could render them abortive, by placing a bar in the way of their encroachments. And, with this admirable design, he determined to unite, under one vigorous government, the various plantations between
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the rivers Delaware and St. Lawrence, including at present eight several settlements. Besides other advantages it was supposed, "that it would make the French proceed with more caution than they had lately done." In pursuance of this resolution, Andros was appointed in March, 1688, captain-general of the whole, under the name of New England; which was in future to be governed by a legislative council, composed of the chief inhabitants of the different colonies, who were to be chosen by the king: the consent of parliament was only wanting to render this memorable policy as legal as it was salutary, if the advantage of England was the chief object. While commissioners were appointed to settle boundaries between the French and English settlements in America, which, however necessary, had even then been too long neglected, Andros was ordered to cultivate a good correspondence with his neighbours, to prevent hostilities, but to protect the five nations. And he executed his extraordinary powers with an ability that procured him the future favour of a prince, who was fond of rewarding military merit, because it includes the punctuality of submission. Yet the New English were far from happy, since their numerous prejudices were daily offended. They had never till now enjoyed real liberty, though the form of their government was tyrannous, as every man, and every society, partook of equal protection and equal privileges. An inconsiderable insurrection of a few towns, in opposition to the taxes which the governor and council had imposed, was easily suppressed and punished by the ordinary courts of justice, since it had been raised without concert, and was supported by no vigour. When the colonists found from experience that
forcible

forcible opposition was fruitless, they solicited James II. for the re-establishment of an assembly, and the enjoyment of other rights, with an earnestness that shewed how much they regretted the loss of both. A concession, so contrary to the prejudices of the prince, was denied to the influence of father Peters, while smaller favours were granted to the request of the royal confessor. And their intrigues, however artful, proved ultimately unsuccessful, as that monarch was not long after driven from a palace, where he was at present courted by men who rejoiced at his fall.

P E N S Y L V A N I A.

WHILE James II. thus annihilated colonial charters, partly because they had been grossly abused, but more since they stood in the way of useful reformation, he seems, in his attachment to Penn, to have overlooked the irregularities of his province. Scarcely had the proprietor departed in 1684, when contest commenced among a people, peaceful yet pertinacious. Complicated forms naturally incited disputation: and the provincial council and the delegates of the people quarrelled, with regard to indefinite privileges, as each struggled for pre-eminence. In his zeal to reform a constitution which had thus given rise to dispute, that famous law-giver instructed his commissioners to procure its dissolution, in order to regain part of that power which he had incautiously given away, during the flutter of emigration

gration and settlement. But unable to effect by intrigue, what was opposed by jealousy, he found it necessary to appoint, for the first time, in 1688, a deputy-governor; expecting every success from the talents of Cromwell's political pupil. The threats and the flatteries of Blackwell proved equally unsuccessful, because he knew not the people with whom he was to act, as they were the first body of quakers, who had been permitted to taste the gratifications of power, of which they were therefore fond. The assembly complained of grievances, which he shewed little inclination to redress, since he had learned in his youth, that clamour is often loud without adequate cause. They impeached ill ministers, as the chief authors of the arbitrariness in government, without obtaining their punishment. They resolved, that the absence of the proprietor was greatly to the people's prejudice. And they protested against "the declaring void the present, or making future laws, but in the granted way of the charter and act of settlement." While Penn was intriguing at the court of James, altercations thus began, which lasted half a century, in a province, where unanimity was without reason expected to reign; owing partly to the confusion of the original constitution, but more to the attempts of its founder, to resume the authority wherewith he had reluctantly parted; of the delegates to retain, and to extend, the flattering privileges, of which they were justly proud.

M A R Y.

M A R Y L A N D.

THOUGH James II. was proclaimed here with every expression of joy, neither Baltimore nor his province ever enjoyed much of his favour. Though they were Roman Catholics, perhaps they were too liberal to please a bigot in religion and a despot in politics. By an arbitrary decision of the privy-council, he completed, in 1685, what his predecessor had begun, with regard to the appropriation of the Delaware colony; sacrificing to his attachment to Penn the truth of history, the dictates of justice, and the sovereignty of his kingdom. Against the purpose of that prince, "to reduce independent administrations to a more immediate dependence," the proprietor ineffectually urged the merits of his father, in adding, at a considerable expence, a province to the empire, that he had hitherto governed according to his patent and the laws of the realm: his former opposition to the acts of navigation was remembered, and a writ of quo-warranto was issued against him, with the usual promptitude, in April, 1687. But distance imposed difficulties, which have, at all times, prevented ultimate reformation. The assembly rejoiced, however, "for the inestimable blessing" of the birth of a prince of Wales, though they at the same time declined to comply with the requests of the father, in respect to the export of uncased tobacco, as Virginia had refused. Urged by the discontents of the age, rather than by real sufferings, they complained of grievances, which were redressed by the gover-

governor, with a facility, that shewed how little cause there had been for clamour. Yet Maryland was not happy, because religious contest, so intolerant in its aims, obstructed public proceedings, while it embittered private enjoyment.

V I R G I N I A.

THAT loyal dominion proclaimed James II. "with extraordinary joy." The Virginians lamented, that the parliament, in order to augment their navy, should have imposed a tax on the consumption of tobacco, within the realm, which they feared, without reason, would ruin the staple, so essential to their existence. And they shewed their inclination to retaliate, though without success. They gave encouragement to provincial manufactures, which was disapproved of by the lords of the committee of colonies, "as contrary to the acts of navigation": they refused to prohibit the exportation of unpacked tobacco, though the clamour of English merchants had induced their sovereign to send them a requisition. And, they complained of grievances, which, arising partly from ignorance of law, perhaps more from the uncertainty of the territorial constitution, that monarch found no leisure to redress.

NORTH

N O R T H C A R O L I N A.

UNDER Sothell, one of the proprietaries, who having been sent to call order from anarchy, North Carolina seems to have regained tranquillity in 1684, at the end of seven years of distraction. Thinking himself too great for controul, he disregarded his instructions: despising the opinion of the world, or his own safety, he too long practised every crime that has disgraced delegated power. In despair, the planters seized him in 1688, that he might be sent to England to answer their accusations. Yet, both parties having referred their disputes to the next assembly, this body compelled him to abjure the colony for a year, and the government for ever. However much the proprietors abhorred the misdeeds of Sothell, they disapproved of the conduct of the colonists, because they deemed it "prejudicial to the prerogative of the crown and to their own honour." Neither the governors, nor the governed, seem to have perceived however, that, while lasting anarchy saps the foundation of every social establishment, an administration, which is despised because it is weak, cannot be of long duration.

S O U T H

S O U T H C A R O L I N A.

THIS feeble province, for some time, experienced the truth of that observation. When desire of sudden wealth is accompanied with indolence, men endeavour to gain their purpose by means which morality cannot approve. The Carolinians easily converted the privateers of that age into pirates, which ruined universal commerce by indiscriminate robbery. An act of assembly against the plunderers of nations was at length procured by the importunity of the proprietors, which was not, however, executed; because gainful projects are seldom thought dishonest, while practices, long continued, since they are generally pleasing, at length settle into general usage. James II. merited the applause of the commercial world, by sending a small fleet, under Holmes, with an extraordinary commission, "for suppressing pirates in the West-Indies," though his success was not equal to his noble purpose, since the project was then unexampled. The neighbourhood of the English had always given jealousy to the Spaniards of Florida; but the recent piracies incited the indignation of that honest people: when they perceived that the Indians were incited against them, they threatened hostilities; when they could obtain no redress, they laid waste the nearest frontier. The Carolinians prepared to retaliate, by taking St. Augustine, their capital. Yet, against a measure that at first view appears not only justifiable but spirited, the proprietaries transmitted a strong remonstrance, which, admitting that they might pursue the invaders

vaders beyond their limits, whom their prowess had repulsed, concluded : “ that no man can think, that the “ dependencies of England have power to make war “ upon the king’s allies without the king’s consent or “ knowledge.” By refusing their assent to the raising of money, they more effectually prevented the intended expedition, spirited, yet imprudent.

The commerce of this inconsiderable settlement began to attract the notice of traders and the treasury towards the demise of Charles II. And in 1685 Muschamp was, for the first time, sent to collect the parliamentary customs at Charles-Town. With their wonted attention to the rights of England, the proprietaries instructed the governor and council, “ to shew their forwardness in assisting of the collection of the duties on tobacco ; of “ the seizure of ships trading contrary to the acts of navigation.” Yet an illicit traffic was practised, because it was gainful ; and they justified it as legal, under a clause of their charter, “ which the people believed to be “ of superior force to the law, though the patentees “ never claimed any such exemption.” During a reign of promptitude, complaints of opposition were no sooner transmitted by the collector, than a writ of quo-warranto was issued against the Carolinian charters. And, perceiving the inutility of resistance, the proprietors proposed a treaty of surrender, which, by gaining them time, at a critical juncture, effectually saved their rights.

Mean while the most furious contests existed among a disputatious people, which indeed were to have been expected in a province, planted by restless men, from every country and of every sect. The assembly of November,

1685, rejected the fundamental constitutions of Locke, which they abhorred as unfavourable to provincial liberty, as they easily discovered a pretence, in supposing that copy to have been spurious, which their superiors had sent them as genuine. The governor found no very commendable means to exclude from the house the delegates, whose resolutions thus struck at the foundation of the government. But the excluded members protested against every act that should be made by the smaller number of representatives, and retired into the country; in order to disseminate their own sentiments among the multitude, who implicitly believed what they had been previously taught to approve. Disgusted with opposition, and offended with disobedience to reasonable commands, the proprietaries appointed Colleton governor, in 1686; who was invested with inquisitorial authority, because they expected much from his attachment, and more from his talents. He, however, who attempts to reform a degenerate people, by punishing general profligacy, must be invigorated with considerable power. Having called an assembly in 1687, the freemen "chose such members as engaged to oppose the governor in all things." Little could be expected from a body of legislators, who met with such perverse dispositions. And, by the dissolution of the assembly, South Carolina was left, in 1688, without any acts of the provincial legislature as a rule of government. To habitual turbulence necessarily succeeded universal anarchy; forward usurpation easily overturned a weakened administration; and imprisonment and proscription completed the miseries of a people, who learned at length, from adversity,

verfity, that it is the violent and the vicious who alone profit from diforder.

Of the colonial adminiftration of James II. it is the chief chara^racteriftic, that his meafures were generally right, while his means were almoft always wrong. Con- fidering the origin of colonization, as having the intereft of the ftate for its principal end, he purfued the advan- tage of England, in refpect to her fovereignty and com- merce, with a ftadinefs, which few of his fucceffors have equalled, and none have furpaffed. He oppofed the encroachments of France, at a time when he was affuredly influenced by her counfels and her money, with an energy that reflects difhonour on kings and mi- nifters, who derived a merit from oppofing the re-en- trance of his fons. Though the practice commenced during the long parliament, it is in his reign that we firft find duties impofed on the confumption of colonial products within the kingdom, which tranfmitted one hundred thoufand pounds a year to him, who was de- ftined, ere long, to overturn his power. But it answers no practical purpofe to inveftigate minutely the policy of his conduct ; becaufe his principle and his practice have been fo completely exploded, that no ftatesman will probably adopt the one as juft, or the other as wife ; though folly has fometimes given a leffon to fapience.

W I L L I A M III.

IT was the insult offered to the understandings of his subjects, by obtruding his fanatic follies on their judgment, more than the attacks made on their privileges by James II. which induced all parties to regard a revolution as necessary. Every order in the state withdrew their attachment from a sovereign, whose religious bigotry mortified their pride, by depriving them of consequence, while his political innovations encroached on their rights, by invading the laws. What the people of England, however, chiefly dreaded in future, the colonists had actually suffered. Nevertheless, both had languished in hopeless imbecillity but for the expedition of the prince of Orange; who, in order to gain for himself a crown, brought to all a timely deliverance, which freed many from fears, and inspired a greater number with hopes.

When that monarch deserted the government and the nation, because, amid his personal terrors, he thought it impossible to re-establish affairs in his absence, the prince was requested by a body of peers and commoners, who were probably by himself directed, to assume the administration, which had thus been abandoned to chance. The extraordinary convention of January, 1689, made it only the business of one slight debate, to determine
that

that the kingly office was vacant ; since many concurred in a resolution, which they did not clearly comprehend, and which more lived to repent, as high expectation usually ends in hope deferred. Yet admitting wisely, that, though James had abdicated the government by his flight, the regal branch of the body politic still remained, the lords and commons, foreseeing the danger of dissension, declared the prince and princess of Orange king and queen of England, “ and of the dominions to “ the same belonging.”

Had a revolution, which necessity had thus rendered just, and the consent of the nation now made legal, produced only a change of rulers, without an alteration of modes, it had merited little commendation and less support. Consequences, more pleasing as well as more important, resulted from it to the colonies as much as to England. Freed from the obscurity of former reigns, and vindicated from recent encroachment, the constitution was at length replaced on the solid basis of the social rights of mankind, of the special privileges of Englishmen. The various powers, legislative and executive, of each component person of it, were now defined, at least were afterwards understood, with an accuracy, hitherto unknown. And, by asserting the authority of the whole over every dominion of the state, that interesting event left a signal example to posterity of the omnipotence of the sovereign legislature, and of the just submission of the governed. The supremacy of the laws having been established in the same manner over king and people ; a conspicuous boundary, between the prerogative of the one and the privileges of the others, having been finally fixed ; the colonists derived advantages from

those felicities, almost equal to the salutary benefits by other subjects enjoyed ; as both partook in future of the same security.

Of those extraordinary transactions, William thought it prudent to communicate the earliest notice to the colonies, since he knew that his predecessor had informed them of the intended invasion from Holland, against which they were ordered to draw the sword. Urged by duty, no less than by considerations of policy, the privy-council soon transmitted thither formal orders to proclaim the new king and queen. And, while former officers were continued in power, the governors were commanded to administer the new oaths in place of the old, because the fealty of the colonial subjects of England had thus been transferred by an extraordinary demise of the crown to un-elected sovereigns,

V I R G I N I A.

TIDINGS of those interesting changes had, meanwhile, reached that dominion, though they were uncertain in proportion to the greatness of distance. Rumour instantly scattered her reports among the multitude with her usual alertness and success. And there were not wanting men, who, forming their opinions from what they wished rather than from what they knew, flattered themselves, "that, since there was no king in England, "there was now no government in the province." But the activity of the principal inhabitants, who feared for their property in popular commotion, the timely arrival
of

of official orders, "gave a check to unruly spirits." And William and Mary were proclaimed in April, 1689, "Lord and Lady of Virginia," with those acclamations, which are generally heard at the accession of monarchs, who succeed by a course of descent, long foreseen, and universally approved.

M A R Y L A N D.

HAD the same fortunate conveyance carried the same formal commands to this colony, insurrection and civil war had been probably prevented. But accident rendered fruitless the good purposes of the proprietor, who had readily promised to obey the directions of the privy-council. Partly from regard to forms, perhaps more from attachment to James, the deputy-governors followed not the example of Virginia, as they had yet received no official notice of a revolution so interesting, because it involved so many important consequences. Similar reports were here circulated; a popish plot was framed; and men of active tempers prepared to draw every advantage to themselves from distraction. Tranquillity was, however, for some months preserved, by the prudence of the rulers, notwithstanding the petty commotions of March, 1689, which had been raised to repel an Indian invasion, that had existed only in the artifice of faction.

Informed of their delay in performing what had been contrary to strictness of law, the ministers of England

threatened Baltimore with parliamentary inquiry and the loss of his charter. He sent additional orders to proclaim the king and queen, by a special messenger, who arrived too late to preserve his province in peace and his authority from ruin. The minds of the multitude, already agitated by religious contest, were now inflamed by the repetition of stories, which had often been disproved, yet were again believed with their wonted credulity, because they were repeated. The successive endeavours of the governor, to silence clamour and to preserve obedience, were easily turned against themselves, as, during times of high passion, the governed readily credit whatsoever is reported of their rulers. And insurrection became general in Maryland during July, 1689. Seven hundred men, conducted by Coode, who in the reign of Charles II. had been prosecuted for seditious practices, who, in the present, was convicted of blasphemy and treason, seized St. Mary's, the capital; the militia, animated by a similar spirit, refusing to defend it. While the provincials were thus desirous of change, he easily compelled Joseph, the president, Darnal, Digges, and other principal officers, to surrender by capitulation the only provincial garrison, since a falling government finds few friends. And sad experience, ere long, taught the planters, that stipulations made with men, who, in their zeal for innovation, depart from rigid duty, are seldom regarded when they have gained their ends.

Under the form of "a committee of safety," the insurgents instantly assumed the command, which they had thus acquired, partly by address, partly by force. Conscious that recent transactions would appear extraordinary in the eyes of neighbours, who were not actuated
by

by the same passions, they published the reasons of their conduct, in one of those declamations which, on such occasions, are distributed without gaining belief, because they are always feigned. Two causes of their revolt from the proprietary government, among a great variety, are remarkable; “that it had been deemed criminal to assert the sovereignty of England over that province; “that the ill usage of the king’s custom-house officers shewed the bad designs of the late rulers.” In order to gain approbation and consequence, the leaders assembled a convention of deputies in August, 1689, though several of the counties refused to concur in unnecessary measures, from which no good could result. They formally deposed lord Baltimore, whom they accused of mis-government and of crimes, though every grievance had a few months before been fully redressed in assembly. Having proclaimed the accession of William and Mary, they ordered their names to be inserted in public proceedings, where the proprietors had formerly been. To their new sovereigns they transmitted an address; congratulating their accession, and begging for support. They rewarded their friends; they punished opponents; and they convinced this miserable colony, by their vehemence, that usurpation and tyranny are the inseparable companions of each other. That monarch adopted an advice agreeable to his views, when he approved the proceedings of those, who, in their zeal to promote his cause, had wounded his prerogative; directing them, in a tone of authority not altogether consistent with recent engagements, to continue the administration in his name till farther orders. He did not reflect,

fect, because his mind was occupied only with schemes of influence and conquest, that, in order to gain present power, he gave his assent to transactions, which, while they deprived an individual of his rights contrary to law, engendered a spirit of revolt, that, in aftertimes, would shake the throne on which he then sat.

P E N N S Y L V A N I A.

WITH Baltimore, Penn had promised to obey the orders of the privy-council for proclaiming William and Mary, though he probably had no design to comply, since he owed the greatest of obligations to James. Governed by the spirit of their proprietor, whose attachments to the late king were even then perfectly known, the Pennsylvanians continued to administer in tranquillity the laws in his name, long after he had ceased to rule. And, though a compliment was at length paid to the title of their new sovereigns, they were perhaps never formally announced in Pennsylvania, because the quakers discovered in their abhorrence of pomp, an excuse for their principles.

N E W E N G L A N D.

PENNSYLVANIAN peacefulness formed a remarkable contrast to New English turbulence. As early as January, 1689, the leaders of Massachusetts received

ceived from Phipps, Mather, and other emissaries in England, not only notice of the approach of the prince of Orange, but warnings to prepare the minds of the people for an interesting change. And reports were propagated, which the multitude easily believed, since they wished them to be true; which, by invigorating expectation, qualified them to be then, what in all revolutions they have been, the mere instruments of the interested designs of others.

In order to preserve the peace of New England, William had in the mean time directed, that the same orders should be sent thither as to other colonies, for continuing the power of officers. But Phipps and Mather, perceiving in this prudent conduct the disappointment of their projects, hastened to procure a countermand of what they foresaw must embarrass their friends, by strengthening the hands of the hated Andros. They equally prevented the privy-council from sending thither that legal notice of the accession of their new sovereigns, which it was their duty to have transmitted to every dominion of the crown. And, encouraged by success as well as by the favour of Mary, that had meanwhile been gained in Holland, the same agents prayed, that the New English might have their charters restored; might be allowed to resume their ancient governments. Fully informed however of the proceedings which had deprived them of the object of their prayers, the lords of the council for colonies advised; "that a governor should
 "be sent to New England in the room of Andros, with
 "instructions to proclaim the king and queen; that
 "a lasting establishment should be prepared, so as to
 "preserve the privileges of the people and their dependence

“dence on the crown.” But, owing to private suggestions, that monarch weakly disregarded the salutary advice of his counsellors. His commands, to send commissioners and to prepare a charter, were in their turn neglected, because they had flowed from partizans, who only wished to disappoint the designs of statesmen, so different from their own.

While William resigned thus the direction of his spirit to improper influence, because it was inconsistent with the interest of his kingdom, the seeds of commotion had been scattered in the prepared soil of New England with lavish hands. And the care of the sowers was rewarded with a plentiful harvest of insurrection in due season. In April, 1689, the fortresses and government were demanded of Andros, in language which admitted of no denial, though he was supported by two companies of soldiers, who had been sent thither to maintain his power. And their success only shews, what history had already demonstrated, that it requires a mighty force to resist the enthusiasm of a people. Those who had chiefly raised the storm instantly seized the helm, and directed the bark under the famous appellation of “a committee of safety.” But William and Mary were not proclaimed. Though their names had been borrowed to delude the vulgar, their interests were regarded by none, because the revolution had been achieved at Boston, not to gain a crown for another, but to acquire independence for themselves. Inspired by this sentiment, the assembly, which was soon after convened, immediately resolved “to settle a government according to charter-rights.” They justified this forward conduct by insisting; “that, since the method lieth wholly in the
“ voice

“voice of the people, the re-establishment of patent
 “privileges was correspondent to the late settlement of
 “affairs in England.” And they transmitted to William an address, copied almost literally from the unmeaning congratulations which had been presented to Charles II. since both were intended to promote the same deception; neither admitting nor denying the kingship of either. Sir William Phipps, at length brought his countrymen from London a confirmation of the ultimate success of the revolution: and, while he informed them of the zealous conduct of the agents which had contributed so much to their present felicity, he convinced them of the necessity of declaring in favour of that event, without reserve, by formally proclaiming the new king and queen. This ceremony was therefore performed the day of his arrival, with more than usual pomp, because affectation was called in to cover disappointment. A second address was not long after transmitted to William and Mary; congratulating their accession, assuring them of their joyful proclamation; and praying for a restoration of the ancient government.

Overlooking recent averseness in the joy of the moment, their new sovereigns received graciously their addresses. They not only approved, with the flattery of courts, “their readiness to proclaim the king and
 “queen,” but empowered them to continue the administration in the royal names, till orders should be given for a final settlement of their affairs. The New English were admonished at the same time to observe the acts of navigation, because the commissioners of the customs had represented the irregularities of their commerce.

Distrusting

Distrusting their own powers, the new government at Boston had for some time ruled the colony with unsteady hands. When they were exhilarated at length by approbation, they not only assumed a more vigorous conduct, but endeavoured by pious fraud to convince the multitude, that, in an official dispatch, they had obtained under the great seal a confirmation of the charter, which had been promised by their deluders as the reward of their violences. Thus did a monarch, praised for utility of design, cultivate a spirit, which disturbed ere long his own repose; which in aftertimes involved his successors in continual embarrassments, by inflaming sedition, so inconsistent with that calmness of repose, wherein all rulers delight. Neither party seemed to observe that the principles avowed on that memorable occasion had justified the New English insurgents to have continued themselves the subjects of James; to have chosen a king different from the sovereigns of England; or to have declared themselves an independent state. As a sovereign commonwealth, indeed, they acted from the commencement of the insurrection, till William and Mary were proclaimed, on the 29th of May, 1689.

By the weaker colonies of New England, Massachusetts had long been regarded as a pattern, because she was deemed the most powerful, perhaps the most sanctimonious. Considering the imprisonment of Andros as an emancipation from bondage, they in the same manner re-established their antient governments. They also proclaimed the new king and queen, when they saw that their interests demanded submission; in a similar spirit congratulating their accession and begging for favour.

vour. And, without the royal assent, they resumed their surrendered charters, which, with the approbation of eminent lawyers they have enjoyed, though not without interruption, to the present times.

NEW YORK.

THE contagion of change soon extended its influence southwards, and produced similar commotions though on dissimilar principles. The annexation of New York to New England had given just dissatisfaction, because it mortified the vanity of independence, while it deprived her of the rights of an equal station. And she rejoiced in the designs of the prince of Orange, which she foresaw would probably free the province from an abhorred connection. Yet every one remained quiet till they heard of the revolution at Boston. An ignorant populace were now instigated by Leisler, a ruined merchant of the lowest education, who expected to gain from confusion what had been denied to his talents, to seize the fort, while the magistrates were assembled to consult of the public safety. The insurgents instantly declared their design of holding the garrison for the powers then governing England, till it should be demanded by "a protestant governor." And a committee of safety assumed the conduct of affairs, who, without reserve, proclaimed William and Mary, in June, 1689, since, at the same time that they gratified their present passions, they looked for future favour.

Informed

Informed of the friendly principles of New York, and of the submissive inclinations of lieutenant-governor Nicolson and the council, that monarch empowered him to continue the government in the names of the new king and queen. What was written to another, Leisler considered as addressed to himself, because he alone ruled the colony, from the time that tumult had chased Nicolson away. And he thenceforth assumed the name and acted in all things as chief ruler. Yet it required force to support his unmerited authority within the capital, since the principal persons regarded him as an "insolent alien," while they denied his right, though it had been strengthened by a partial convention of delegates. Hurried on by the same passions, because they were equally the descendants of Dutchmen, the inhabitants of Albany in the same manner proclaimed their beloved prince of Orange; but refused obedience to Leisler, whom they deemed an usurper, though they acted on his principles. And the foolish forwardness of the province was soon sufficiently punished, by suffering every mischief of foreign and domestic war; not more from the barbarous irruptions of the Canadians than from the frantic conduct of a man, who, inebriated with undeserved pre-eminence, regarded every one as a rebel against lawful power, who did not acknowledge his jurisdiction and obey his mandates.

N E W J E R S E Y.

INFLUENCED on that occasion by the principles of the quakers, this inconsiderable settlement
adopted

adopted the peaceful conduct of Pennsylvania rather than the phrenzy of New York. The planters did not announce the title of princes for whom they felt no predilection. Perceiving that the interests of James had been injured by commotion, they thought it prudent, perhaps safe, to wait the decision of their fate from England. And owing to the singular situation of the proprietors, whose right to rule was justly disputed, they remained, from the imprisonment of Andros, till August, 1692, without any perceptible administration.

C A R O L I N A.

ALREADY occupied with domestic broils, the Carolinians proclaimed William and Mary, the moment they received the command of the proprietors, who punctually executed the orders of the privy-council. The colonists shewed by their apathy, that they had been too much engaged at home to attend to the intrigues of the revolution; little interesting themselves whether James or William exercised a government, which they then seemed disposed to obey.

Maryland and New York, of all those plantations, alone acknowledged the title of William and Mary by positive declaration. Urged each by the same zeal, their assemblies passed "acts of recognition," acknowledging "that their majesties were, and of right ought to be, "*by the laws of England*, their sovereign liege lord and
O "lady."

“ lady.” But of another legal acknowledgement, promulgated by Maryland in the subsequent reign, sir Simon Harcourt remarked: “ that, though it was an instance of fidelity, such a law is improper to be passed by the assembly of a province, entirely dependent on the crown of England.” When the other colonies proclaimed the new king and queen, they implicitly recognized their title and the authority of the legislature which had given it. When the allegiance of the colonists was transferred to new sovereigns, who were invested with an essential vote in the making of laws; who were entrusted with the whole executive power; the parliament exerted assuredly, the highest of human jurisdiction: Yet no assembly was called; the consent of no local legislature was asked; in the judgement of those assemblies, and of those times, every subject of the crown was bound by the memorable determination of the lords and commons, wherein the assent of every Englishman was at that epoch supposed to be included. In contradiction to those who honestly opposed that interesting settlement, since they thought the title to the crown had been derived from heaven, the rectitude of the measure has been defended, by insisting: that, though government in the abstract ought to be regarded as a blessing of the Almighty, yet the various modes of it, which are found actually existing in the world, have drawn their existence and their force from the compacts of society, and therefore, like property, and every other social right, must be subject to the coercion of human laws: that, in the British constitution, the parliament, being fully invested with every power of the people, because they formed the body politic of the state, and the safety of

of the whole requiring that one will should only exist, possessed competent authority to settle the descent of the crown, as well as to regulate every other conventional establishment. Had each provincial assembly possessed the same freedom of choice as the parliament of Scotland actually exercised, when they determined that James had "forefaulted the crown," it is easy to perceive, that William and Mary had never been chosen king and queen of New England, of Pennsylvania, or the Jerseys.

THE COLONIES.

IF we except Georgia, which was afterwards planted, and Nova Scotia, the Floridas, and Canada, that were successively conquered, the continental colonies, thus considered by the nation as territories of the empire, and so admitted by themselves, had been now firmly established. Yet of English subjects they contained no more than two hundred and fifty thousand; whose commerce, carried on by twenty-five thousand tons of shipping, which were navigated by six and twenty hundred seamen, could be no considerable object either of envy or desire, though it had been already thought worthy of care. And the commissioners of the customs informed the ministers of William, that the domestic duties, arising from the product of Virginia and Maryland alone, amounted to two hundred thousand pounds a year; justly insisting, that a traffic, which contributed during those

days of scantiness so great a sum to the national revenue, merited the public protection*.

Formed at different periods on no consimilar plan, the colonial constitutions, though extremely liberal and free, were remarkably unlike in their detail: and they acquired the appellation of charter, proprietary, and royal, governments, from the nature of their forms, which, without searching the recesses of antiquity, may be all found in the royal charters or commissions under the great seal of England. Massachusetts, Rhode-island, and Connecticut, were chartered colonies; enjoying systems altogether democratical, without yielding to England the unsubstantial appearance of sovereignty. New Jersey and

* The following accurate detail will shew more accurately the genuine importance of the tobacco-trade at the revolution, consisting of a yearly importation of 15,000 modern hogheads, and a re-exportation of 10,000 hogheads, and the true value of the revenue which it then annually yielded to England, under the statute of 1. of James II. ch. 4. that had imposed 3d. a pound more than the former duty of two-pence.

Tobacco imported in		Duties,
1689	14,392,635. lbs.	
1690	12,638,027.	
1691	14,830,503.	
1692	13,423,464.	
1693	19,866,048.	
Five years importation		75,150,677. duty at 5d. p. lb. / 1,565,639:2:1.
Annual average		15,030,135 $\frac{2}{3}$. — 5d. p. lb. 313,127:16:5.

Two thirds of which were supposed to have been re-exported, and the remainder to have been consumed 5,010,045 lbs. at 5d. a lb. / 1,04,375:18:9.

The prodigious difference between the yearly sum stated loosely by the officers of the customs, and the amount of more accurate inquiry, only demonstrates that in all declamation there is falsehood.

and Pennsylvania, Maryland and Carolina, were proprietary plantations, in which the lords of the soil, having derived from the same source the regal rights by counts-palatine enjoyed, stood in the place of the king; who possessed within their limits neither the means of effectually executing what the supreme legislature had enacted, nor the undefined authority, which superintendence may claim. In the royal governments of Virginia, New York, and New Hampshire, the governor, the council, the delegates, formed a miniature of the king, the lords, and the commons. The governor had the honour of representing the body politic of the king; the counsellors awkwardly discharged the two-fold duty of the peers, by acting as the advisers of the governor, and as senators in the making of laws; the delegates engaged the submission of the governed, to what all had assented, since they were chosen by them.

Thus, derived successively from royal grants, the colonial constitutions, as well as every other territorial right, must have been all restrained within the limits of such privileges as a king of England could give: a limited monarch himself, he could not confer unlimited jurisdiction on others: as he could not naturalize an alien, he could far less deprive the meanest of his people of the character of subject. The local legislature, whether of the charter, the proprietary, or the royal, governments, was little similar to the parliament, because the one was merely the legislature of a district; the other was the legislature of an empire, composed of many districts: and the assembly was therefore provincial and subordinate; the parliament was universal and sovereign. Hence, the plantations were acknowledged to have been

dependent territories, since their legislatures were restrained by the nature of their inferiority, though every assembly enjoyed within its region that species of supremacy which is incident to legislation: neither forming, however, distinct communities, nor enjoying every gratification of self-rule. The jurisdiction of the legislators of the nation and the province must have been always directed by the essential principles peculiarly belonging to each. When the supreme authority no longer exercised or claimed the powers of sovereignty, it could not be any more regarded as sovereign: when the subordinate body exerted avowedly the jurisdiction of sovereignty, it ceased to be subordinate. And the persons of the planters enjoyed a freedom, bounded only by circumstances, in which they had voluntarily placed themselves, while their political bodies alone were restrained by a subordinacy resulting from their situation.

Among the subordinate settlements of antiquity, the Carthaginian colonies approach the nearest in all their various characteristics to the American plantations of the English: yet we search history in vain for models of provincial systems, so favourable to freedom and prosperity, as those which England, without design, gave to her transatlantic territories, though they did not always promote her interest or insure their own quiet. It is curious to trace the cause, why forms, thus liberal in their creation though not perfect in their detail, should have given rise to contest, to refractoriness, and at length to civil war.

There exists in the minds of men an active principle, which, while it prompts them by every motive to throw off present evil or to grasp at future good, leaves them
little

little time for repose. Urged by this sentiment, the subjects of England engaged in colonization during the administration of James I. Incited by it, thousands emigrated to the American coasts during the eventful reigns of his two immediate successors. And the various emigrants introduced modes into their religious and political establishments, and adopted customs in their progress, as they were each directed by different maxims. The original Virginians, who, long subjected to martial-law, derived a kind of emancipation when placed under the domination of prerogative, transmitted habits of respect for the constitution of England, which long engaged their obedience to her rules. The enthusiasts, who planted New England, derided the authority of their native land, and neglected the jurisprudence of their fathers, the moment wherein they no longer felt the coercion from which they had fled: and, forming systems on congenial principles, they acted during sixty years rather as the allies than subjects of the state. Partly owing to their charter, but more to their religion, the settlers of Maryland, while they remained unmixed, paid a great regard to forms: and, while they enacted regulations which new circumstances demanded, they esteemed, because their affections were yet strong, the laws of their pristine country as the chief rule of their conduct. The civil wars introduced every where a considerable alteration in the manner of thinking as well as in modes of action. The universal seditions of the reign of Charles II. demonstrate how much the colonists watched the contests of England during that factious period; how much they were directed in their views and in their behaviour by her felicity or entanglements. The conse-

quent revolts only evinced, that men, who emigrate because they are impatient of controul, will naturally urge insurrection, when experience has proved, that inclination may be gratified without dread of punishment. And the revolution strengthened by its maxims and example the propensities, which had descended from the original planters to their posterity, who, in their affection for their native territory, forgot what they owed to the nation from which they had sprung.

That a change had now occurred in the sentiments as well as in the conduct of the provincials was no sooner perceived than it was communicated to those who ought to have observed innovation and obstructed its tendency. Instructed by the active part which Connecticut had played in the affairs of New York, during the mis-rule of Leisler, her counsellors wrote to the lords of the committee of colonies, in July, 1691, of what they deplored, as not the least infelicity of that dangerous season: "that New England had poisoned those
" Western parts, formerly signal for loyal attachments,
" with her seditious and antimonarchical principles." The "poison" seems, in seven years, to have corrupted the whole mass. While Grahame, the attorney-general, represented "the languishing state of the province," he informed Blathwayt, of the Board of trade, in September, 1698: "that the principles of loyalty and
" good affection to the crown, which were inherent to
" the people of New York, are now extinguished." The contagion soon overspread the southern colonies, because predisposition of habit naturally attracts infection. Quarry, whose office of surveyor-general of the customs enabled him to know the genuine principles
and

and practice of every province, represented officially to the Board of trade, in 1701: "That this malignant
 "humour is not confined to Virginia, formerly the
 "most remarkable for loyalty, but is universally dif-
 "fused." And he thus endeavoured to account for what he presumed might appear incredible to those who could not call in the information of sight to the aid of judgement: "I have sometimes believed that this change
 "of temper, which has become apparent to every one,
 "might proceed from those late commonwealth prin-
 "ciples too much improved in England; but I think the
 "cause to arise from the bad example of the proprietary
 "colonies."

Before those instructive notices arrived, the turbulence and distraction of the reign of Charles II. had given a lesson of wisdom to the statesmen of England; who adopted at the revolution, without success, the same policy which had been recommended with so much earnestness at the restoration. Having considered "the pre-
 "sent condition of Carolina, Maryland, Pennsylvania,
 "and other colonies, which having been granted to se-
 "veral persons in absolute property, whereby they
 "claim a right of government," the lords of the committee of colonies represented to their unexperienced sovereign, in May, 1689: "that the present circumstan-
 "ces and relation, they stand in to the government of
 "England, is a matter worthy of the consideration of
 "parliament, for the bringing of those proprieties and
 "dominions under a nearer dependence on the crown;
 "as his majesty's revenue in the plantations is very much
 "concerned herein." But William was too much engaged during that busy moment to attend to that salutary
 advice,

advice, the neglect of which he lived to repent. Of the twelve continental settlements, nine of them were chartered colonies, whose systems were perceived to have been so independent as to leave little more than general superintendence to the state; whose "bad example" had thus inspired the other three with "antimonarchical principles." Of the royal provinces it was moreover remarked by the wise: "let them be never so well, each conceives an opinion that their neighbours are better, whilst upon another foot of government."

Alteration of principle necessarily produces change of action. A democratical people would naturally choose representatives of congenial spirit, who, in their legislative conduct, would endeavour to carry into execution the habits of their constituents. From the revolution may be traced, in the proceedings of the various assemblies, the effects of that remarkable novelty which had thus struck beholders; the baneful influence of which contemporary men deplored. Almost every local legislature passed declaratory laws, affirming, in the genuine tone of sovereignty, what should be deemed the privileges of the planters; which, in pursuance of the advice of the ablest jurists, were rejected by William, because it was thought incongruous for the legislative power of a province to declare on what terms it would be connected with the nation. Though the royal governors seldom executed their instructions, they never denied obedience, since they constantly saw before them the punishment annexed to recal. The counsellors, appointed by the king, seldom assumed greater privileges than his commission conveyed, because every one felt the instability of his station. But the delegates, urged by "the com-
monwealth

“monwealth principles” of their constituents, exercised greater powers than the commons, because, while this circumstance gratified their own vanity, it engaged the suffrage of their electors. In vain the governors and the Board of trade put them in remembrance of the inferiority of their station, of the inadmissibility of claims, which included sovereignty and led to independence: they continued to extend their authority, as the only means of controul existed in the chief magistrate’s right of dissolution, that oftener invigorated pretension than repressed inclination. To consent to no standing income, to fix no established salaries, had been resolved on in Massachusetts, at the revolution, as a policy which would alone establish the pre-eminence of the representatives. That profound determination the New English imparted with other lessons to every colony. When the distresses of the war demanded money, the delegates withheld supplies, since denial promoted their consequence; when they were asked to grant a revenue for the support of government, they shewed how easily they could reduce all officers to dependence. Having acquired a species of omnipotence from watching over the property of their people, they overawed and even annihilated the other members of the local legislature. Their refractoriness procured the expulsion of obnoxious counsellors. And having reduced to a miserable subservience the governors, they without difficulty effected their recal, by those arts, which popular conventions know how to use, either to gratify passion, or to extend their privileges.

Of all governments it has been remarked, that they have a natural tendency to degeneration. The colonial constitutions had scarcely been formed, when they were
either

either misunderstood by ignorance, or misinterpreted by design, when they were attacked by encroachment and resigned to their fate by neglect. Having learned from the New English, amid the wars of William, all the advantages that might be derived from granting supplies or from withholding them, the deputies of the planters completed their plans of aggrandizement during the hostilities of Anne. In the insolence of triumph, they seem to have added contempt to usurpation. The ministers of England were assured: "that her majesty's council
" is vilified and insulted, and the officers of government
" are looked upon as enemies and as marks of their
" malice; and all this without any provocation." Yet those objects of their scorn or their hate only experienced the common lot of the miserable mortals, who, having nothing to give and much to ask, are seldom regarded with respect or kindness. Impelled by what he felt more than by what he saw, governor Hunter wrote from New York to secretary St. John, in 1711: "Now
" the mask is thrown off; the delegates have called in
" question the council's share in the legislature; trumped
" up an inherent right; declared the powers granted
" by her majesty's letters patent to be against law;
" and have but one short step to make towards what I
" am unwilling to name. The assemblies claiming all
" the privileges of a house of commons, and stretching
" them even beyond what they were ever imagined to be
" there; should the counsellors by the same rule lay claim
" to the rights of a house of peers; here is a body co-ordinate with, claiming equal powers, and consequently independent of, the great council of the realm;
" yet this is the plan of government they all aim at and
" make

“ make no scruple to own. But, as national and independent empire is to be exercised by them that have the proper balance of dominion in the nation, so provincial or dependent empire is not to be exercised by them that have the balance of dominion in the province, because that would bring the government, from being provincial and dependent, to national and independent.”

NEW ENGLAND.

URGED by passion rather than by prudence, William had no sooner ascended the throne than he was compelled by a kind of necessity to enter into a war with France, without examining however the extent of his resources or the difficulty of the dispute. He rejected without consideration the proposal of neutrality for the colonies, which had been early offered by his too potent adversary, because he mistakingly regarded twelve provinces as more powerful than one; because he presumed that the sixteen thousand fighting-men, who occupied New York and New England, would easily conquer, at least repel, the three thousand combatants whom Canada contained. Though trial discovered the fallacy of supposing, that the distracted many must subdue the united few, his successors have been equally disappointed, because they thought and acted in a similar manner. Having incited the colonists by every topic that could rouse hostility, he at the same time commanded the governors

to prepare for speedy war, and sent warlike stores to those, who, unable to supply themselves, were thankful, while they yet enjoyed the benefit, in proportion to the importance of the boon. He, who prepares for modern warfare, ought to feel the weight of his purse. The commons looked into every dominion of the crown for objects of taxation to support an arduous struggle, that had the interests and the freedom of all for its end. And they granted to William, at the revolution, the same subsidy of tonnage and poundage, which had been conferred on Charles at the restoration; the same "plantation-duties" that had laid the seed-plot of a "colonial revenue" in 1672*.

Inflamed by those motives of enmity, which have always existed between the aborigines and the planters, which had incited the destructive war of sachem Philip, in 1675, the Indians had attacked the northern borders of New England, even prior to the revolution. But, though they were not subdued, they were at least repulsed by the prudent vigour of Andros. The insurrections at Boston, by disbanding the army, inspired the tribes equally with revenge and with hope of plunder. Having at length received instructions from France, the eastern hords over-ran Main and New Hampshire, which, during

* 2d William and Mary, sess. 1. ch. 4; which recites and confirms the various statutes of the two preceding reigns, with regard to the colonies. Against that money-bill the New English merchants petitioned, because it continued the duty, which had been with the justest policy imposed on the importation of fish and furs in vessels of the plantations, in order to favour the fishers of England: but the commons refused the petition. *Com. Journ.* 11v. 30 June, 1698.

during the year, 1689, were almost deserted; as the new rulers, who were scarcely obeyed, because every one expected change, were unable to defend a wide extended frontier against the incursions of a desultory enemy, dreaded for his cruelty rather than feared for his power.

Aware that the complaints of the unprotected planters would be re-echoed in England, the new government resolved on an enterprize, which should convince the world of their potency, and even confer celebrity on their arms. In April, 1690, they attacked Acadie, in order to revenge recent devastations, to prevent the French from giving lessons or aid to their barbarous allies. They acquired Port-Royal, its antient metropolis, by a capitulation, which they immediately violated, because the plunder of the enemy had been already appropriated for defraying the principal charge of the expedition. They ravaged as much of the country as they could command, that they might compel the ruined inhabitants to swear unwilling allegiance to the sovereign of England. And, having established a government subordinate to Massachusetts, since they wished to recal the days of former aggrandizement, the New English departed for Boston, without leaving a soldier to support an authority, so inconsistent with the prejudices of the conquered. The Acadians, whose continued misfortunes have at all times excited a just commiseration, did not in their turn pay much regard to oaths, which, having been imposed by men, who left them an example how little the godly regarded the most solemn conventions when they expected to gain from perfidy, the subjected supposed might be broken in the hope of forgiveness.

Buoyed

Buoyed up with success, and expecting to acquire from a warlike prince a renewal of their charter by shewing they deserved it, the new government determined to conquer Canada. Against Quebec they sent Phipps, with a small fleet and army, in September, 1690; relying too much, in the formation of their project, on solicited aid from England, on a promised diversion from New York and Connecticut. Disappointed by a tedious voyage, in his hopes of gaining by surprize what had been too confidently looked for, that officer was finally repulsed, because his force was unequal to the end; count Frontenac was a more experienced commander; and the season warned him to retire. The Canadians derided the rude efforts of Phipps, while they detested the New English as breakers of a capitulation, contrary to the law of nations, as rebels against their sovereign, since they promoted the cause of a prince, whom their monarch deemed an usurper. The arrival of an armament, ruined as much by misconduct as by storm, while it infected the country with the diseases of the camp, convinced the rulers, that they, who calculate on the plunder of an unsubdued enemy to defray the expence of conquest, will be rewarded oftener with disappointment than success. The expedition had cost one hundred thousand pounds: the surviving soldiers clamoured for their pay: and, unable to collect a speedy supply from a dispirited province, the general court issued in December, 1690, the first paper-bills, which had been ever struck within the dominions of England; which however “neither
“commanded money, nor commodities at money-price.” Though those enterprizes were not successful, because the projectors trusted too much to distant contingencies,
they

they evince what little communities are capable of performing, when left to their own efforts, and the spirit of a free people animate the plans of their rulers. Additional agents were not long after sent to England, to set forth the merits of Massachusetts, and to claim the reward of her exertions and her hazards.

Meanwhile Mather, who had watched over the interests of his countrymen in England from the reign of James II. penetrated the real character of William. As this prince in his attachment to prerogative had refused to restore the ancient government, because he had heard of its irregularities and wished to participate power with others, that zealous partizan endeavoured to gain from parliament, by intrigue, what the king had denied to his prayers. He procured by his management, perhaps by his money, the insertion of a clause, restoring the charters of New England, in the famous corporation-bill, which was intended by the whigs to secure their influence for ever. The projects of both were disappointed, as the court perceived that the one designed to establish the independence of New England, and the other to subject the nation to the domination of a party. The New English foresaw, that, could they only procure the confirmation of an act of parliament, it would be impossible, at least illegal, for any future king to copy the example of Charles II. or James; and even admitting, by the confirmatory law, the undefined sovereignty of the legislature, this circumstance they knew would neither impose a tax, nor enforce obedience, while they should act without controul*.

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Despairing

* At the era of the revolution the colonies seem to have been at once objects of the attention and the disregard of parliament. On the 2d of February,

Despairing to obtain what had been the chief object of Massachusetts, because it had ensured her unaccountable power, the agents resolved to solicit a new charter, since the old could not be regained. It is a lamentable characteristic of the colonial policy of England, that she has generally acted in contradiction to her avowed principle and to her real interest. All preceding kings and ministers had disapproved of conferring charters; yet continued to grant them: the revolution had been scarcely achieved, when the most experienced statesmen advised their new sovereign to recommend to parliament the resumption of chartered governments, so independent of the state; yet, in opposition to the judgement of the lords of the committee of colonies, it was determined to grant a new patent to Massachusetts, which could not be framed without conferring greater privileges than the old had contained. This transaction does little honour to any of the parties. Nothing could be more degrading than the long struggle between William and the agents, the one to retain, the others to extort, the greatest possible power. He who compares the charter granted in
March,

ruary, 1688-9, Treby reported to the convention, what was then adopted among various propositions for securing the liberty of the subject: "that cities, "universities, and *the plantations*, ought to be secured against quo-warrantos "and surrenders, and their ancient rights restored." [Com. Journ. 10 v. p. 17.] This clause however was struck out of the claim of right, which was presented to the prince and princess of Orange eleven days thereafter: nor was the colonial administration of James II. recited, in the subsequent declaration of rights, [1 William and Mary, 2 sess. ch. 2.] among the twelve assigned causes of the revolution. Thus design seems to have co-operated with negligence.

March, 1629, with that which was thus given in October, 1691, must perceive that the first was conferred on a corporation within the realm, for the direction of a distant factory; the last created a provincial system for the government of a subordinate territory: he who makes a comparison of the accurate provisions of the charter of Pennsylvania, which had been settled by North ten years before, with the inartificial clauses of the patent of Massachusetts, that was now revised by Treby, will see, in the first, the attention of a great statesman to the laws and interests of England; in the second, the disregard of a little party-man to both.

If we except New Hampshire, the extensive region between Cape Cod and the river St. Lawrence, comprehending the whole of the ancient New England, was erected in 1691, into a province of the English empire, by the name of Massachusetts-bay. The legislative power was invested in the governor, the council, and representatives; who were empowered to meet once a year, or oftener, to make laws, which should not be repugnant to the jurisprudence of England, which should be transmitted for the royal revival; to raise taxes for local uses, that should be issued by a warrant from the governor with the consent of the council. To the king was reserved only the appointment of the governor, the deputy-governor, and secretary. To the governor was given the exclusive power of summoning the council and assembly; of adjourning, proroguing, or dissolving, them; of dissenting to laws or to the choice of counsellors; of commanding the militia within the province, and erecting fortifications: to all other governmental acts the consent of the council was required. The assembly

was authoris'd to appoint annually the council, to nominate such officers as were not thus reserved to the king or to the governor, to declare crimes, to impose fines and other punishments; to erect courts of justice, the admiralty only excepted, with the reservation of an appeal to the king in personal actions. To the planters were idly granted, since they could not have been taken away, the privileges of natural-born subjects, and liberty of conscience to all, with an exception of Papists, though a king of England could deprive a Roman Catholic of nothing that the laws had not already divested. This charter offers a singular instance, how seldom the corrections of many hands illuminate the obscure or disintangle the intricate.

Having thus granted to Massachusetts those privileges which she had usurped sixty years before, the agents were complimented with the appointment of the first governor, since they had assented to the future nomination of the king. Yet Cook, one of their associates, was highly displeased that the charter had reserved one particle of monarchical power, since he wished to resume antient forms, and therefore opposed that flattering attention, "as he remarked, the appointment of an obnoxious ruler would make the people rise." This distinguishing sentiment of Cook descended from father to son, till it equally animated the proceedings of the factious leaders of the present times: when a motion was made in the house of representatives for an address to the king to remove Hutchinson from his government, it was opposed by Hawley on the tribunitial reasonings of Cook, "as his removal would deprive them of a cause of clamour." In the midst of his dissatisfactions, Cook
gave

gave warning to his constituents "to establish no officer's salary, to perpetuate no public revenue." The cautious lessons which he taught were easily learned by his countrymen, to whom they were pleasing: and they were afterwards formed into a regular system of opposition by that crafty politician, that gave William and his successors abundant cause to repent the present impolicy. From the intrigues of the revolution it became the topic of universal remark in New England, which by no means raised the national character, "that any thing could be obtained at Whitehall for money." The governors, Fletcher and Nicolson, who made a merit of communicating what they did not perceive reflected less on the country than the court, were not thanked for their information, because it probably hit the men to whom it was sent.

Delay is seldom favourable to expectation. The restoration of the ancient system had been so often promised the New English by their leaders, that the intrigues of Cook raised disappointment into indignation. And the new charter, favourable as it was to their native prejudices from its provisions, and to future encroachment from its obscurity, was received with a coldness, bordering on disgust. Mather, whose management had chiefly procured this unpleasing patent, whose services however were never repaid, endeavoured to justify his own conduct, by insisting on what shewed the extent of his own views: "that the general court has, with the king's approbation, as much power in New England as the king and parliament have in England: the people have all English liberties, can be touched by no law but of their own making, nor can be taxed by any au-

“thority but themselves.” They adopted the reasonings of Mather, though they did not take the agent into favour, because popularity once lost is seldom regained. Sir William Phipps, the new governor, a native of the province and an independent in his religion, was received with sorrowful pomp, in May, 1692. Yet the change of rulers made little alteration in the government. Nearly the same persons continued in power; pristine customs remained: and, what was of still greater influence, the ancient habits of an unmixed people still urged their pursuits.

Amid unexpected distresses, owing less to the devastations of an enemy, barbarous yet well directed, than to a religious frenzy, which, while it shewed the world how much the New English were still influenced by a gloomy fanaticism, has stained their annals with so foul a dye, Phipps called the first assembly in June, 1692. And, having given a sanction to former laws, they trod in the paths of the revolution-parliament; because, inspired by their constituents, they thought themselves equally sovereign. Without reflecting, while they thought only of their own aggrandizement, that their charter contained their general privileges, they passed “a bill of rights;” which, having declared their own immunities, enacted, that no tax should be imposed on the province without the consent of the general court; which, however, was disallowed by William, by the advice of Holt, the chief justice of England, because it contained what none of his predecessors had ever conferred. A code of criminal law was essayed, that was in same manner disapproved, since it was thought to have been borrowed, with their ancient spirit, too much from
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the Jewish system to be consistent with the jurisprudence of England. They passed "an act for securing the liberty of the subject," by extending the habeas-corpus act, but it was rejected, as Somers and other whigs insisted that the benefit of the habeas-corpus had not yet been extended to the colonies. And few of the laws of that session had the good fortune to please the statesmen of England, since they then thought it of importance to oppose the first steps of innovation. Impoverished as the provincials were by improvident expeditions, their delegates granted thirty thousand pounds for the security of their frontiers, against the incursions of a people, whose wars are vexing but never glorious; who make treaties, which they regard only as suspensions of hostility, since they dread encroachment from the increase of the settlers. Phipps had the mortification to find, after all his services, that, though the assembly gave him a small gratuity, "no salary was allowed, or intended." Unacquainted with the deep policy, which had been already adopted, he solicited the royal recommendation of a standing income, which he suggested was essential to his dignity of governor, and to his existence as a man. The miserable subservience of Phipps occasioned his ruin, and, not long after, his death, because it constrained him to act meanly as well as imprudently; to allow others to execute what had been entrusted personally to him; to obstruct the custom-house officers while he opposed the acts of navigation, in order to gratify the men from whom he expected his food. It now appeared how little it availed that the prince had the power to appoint a governor, if the provincials might refuse to pay; how difficult it is for dependence to enforce respect.

So often had the conquest of Canada been urged as essential to the safety of the northern colonies, that William resolved at length to gratify his passion for war, by granting the prayers of the planters. Expecting from their zeal a powerful co-operation, that monarch sent a considerable armament to New England, under Wheeler, in 1693: but he returned without performing any exploit, because he was coldly received, after a disastrous voyage, at Boston, by the governor and council, who found excuses, in the want of notice and lateness of season, for their deficiency of power or of inclination. When he asked for men to enable him to expel the French from Newfoundland, since they had advised him against an attack on Canada, they pleaded that the charter did not allow them to send out the militia without the consent of the assembly. When he desired their opinion if he could perform any service, equal to the expectations of his master and to the national expence, they requested his early return in the subsequent year. Even the five confederated tribes, who had been promised an attack on Quebec from the sea, derided the English colonists, as a people, from whom it was in vain to expect assistance, since, amid their distractions, they could agree on no common measure.

Having recovered, at length, from the madness of witchcraft, because it began to embrace persons of every sex and of every rank, the province naturally found its repose in a state of languor. Indulged in her native prejudices by Phipps, and permitted by Stoughton, his successor, to rule herself; Massachusetts resigned herself to the gratifications of private enjoyment, since she did not for years feel the fever of discontent. But the royal government,

government, constantly watched and opposed, did not possess the force and activity of the republican administration, that preceded it. The New English sent no more expeditions into Canada, even when powerful armaments were sent to their aid: far from attacking the enemy in his own country, they gave up their own to invasion. Thus exertion always ends, by an easy progress, in lassitude. And, wholly unprotected, the more eastern inhabitants emigrated to the southern settlements, in quest of that safety, which their native homes no longer afforded. Wasted by the continuance of a war of cruelty, and urged by sense of danger, Massachusetts applied for that aid to England, which had been denied by her neighbours. To William, the general court represented, in 1696: "That though Connecticut, Rhode-island, and New Hampshire, were equally interested, they had contributed nothing to the expence of the common contest; and, since they were all equally benefited by their efforts, each ought to be compelled to give a reasonable aid: and they begged, mean time, that a suitable supply of warlike stores, and an additional number of ships, might be sent to their assistance; that another armament might be detached against Canada, the chief seat of the French power, the unhappy fountain whence flowed New England's miseries." Deeply affected with the French progress, because they were not opposed with equal unanimity and vigour, that monarch appointed lord Bellomont to rule Massachusetts, New Hampshire, and New York, to command the militia of Rhode-island and Connecticut, though both had denied submission to Phipps; expecting that a prudent governor, invested with extensive authority, might be able

able to induce the various local legislatures to concur at least in the defence of their constituents. Abundance of arms and ammunition was granted to the solicitations of colonists, whose posterity have boasted, that they had never received any help from England, and an additional frigate was directed to cruise on their coast, for the protection of their fishery. But no regard was paid to the requested attack on Canada, because a cautious prince gave little attention to the suggestions of a people, whom he had found as liberal in promises as backward in performance. Thus, palliatives were now applied to the disorders which had been introduced by recent imprudence.

NEW HAMPSHIRE.

NOTWITHSTANDING the continued solicitation of Massachusetts for the annexation of this petty province, since she wished to regain her former authority, the opposition of Allen, who had purchased the right of Mason, the descendent of the first proprietor, continued it a separate government. Usher, a man illiterate and imprudent, was sent thither to govern a people, whose religious and political tenets were equally adverse to the rule of England. And little obedience was yielded to the deputy of a person who demanded to be universal lord of the soil. Influenced chiefly by his opponents, the assembly neither supported an administration which was abhorred, and therefore opposed, nor granted money for the defence of a country that was claimed by a stranger. Fearing for his life, amid an enthusiastic multitude,
who

who were managed by the independent clergy, Usher followed the example of his predecessor Cranfield, and fled to Boston. And he thence assured the ministers of England, as the real cause of an event degrading to the royal authority, "that it was not his person they hated, but the prerogative of the king."—Cranfield rejoiced that his prophecy ten years before, when he was equally obliged to look for protection at the source of refractoriness, was now fully accomplished. Lord Bellomont not long after procured acquiescence by indulging their habits, as he found it so difficult to procure respect for regal power from a democratical people. And experience evinced, that, as indulgence never gains obedience from the froward in the nursery, gratification seldom procures submission from the obstinate in the state.

NEW YORK.

MEAN while this province had a fine opportunity, during the long misrule of Leisler, of deciding an important point to a turbulent people, whether despotism or anarchy is the least evil. Exposed to foreign invasion from Canada, and torn by intestine warfare, between Leisler and his opponents, the provincials long wished for the arrival of their expected governor, which they anxiously hoped would relieve them from the miseries of an usurpation that had degraded the colony, since accident had invested ignorance with power. Their new sovereign sent Sloughter to govern New York, when he resolved that it should again enjoy the honours of separate

rate jurisdiction. But, owing to the distresses of the English marine at the revolution, that officer did not assume his charge till March, 1691. Leisler and his partizans alone mourned his presence, because it deprived them of power, of which they were fond in proportion as they were undeserving of it. Having published his commission with the accustomed solemnities, the governor demanded possession of the fort, which commanded the capital; which that infatuated enthusiast forcibly retained, since he and his friends, deemed unworthy of trust, had been overlooked in the distribution of office. The vigour of Slaughter compelled him to submit at discretion, though too many lives were lost in the contest, as his soldiers deserted him in the hour of danger, when they saw the citizens drew their swords against their persecutor. And a special judicatory having found them guilty of high treason, he and Milbourne, his principal adviser, were executed by the request of both houses of assembly, who regarded their recent misdeeds as an usurpation of royal authority.

This tragical event gave rise to two parties, which long distracted public proceedings, and invaded private repose. While William, by the advice of the ablest lawyers, approved the validity of the sentence, he granted pardon to the survivors, and restored the estates of the deceased, because he deemed former services worthy of small attentions. He not long after consented to an application to parliament, by the younger Leisler, for a reversal of the attainder, which had deprived his father of life. The son was powerfully assisted by the agents of Massachusetts, who were instructed to promote a measure,

sure, which, in its consequences would vindicate her late proceedings from the imputation cast on them by the conviction of Leisler. When the supreme legislature on false suggestions reversed the judgement of a colonial court of justice, it was made the instrument to throw obloquy on one province, in order to gratify the revenge of another. By one faction, this act of parliament was supposed, "to legitimate Leisler's assuming the government, and to put a censure on the legality of his execution:" by the other it was said, "to be a libel surreptitiously obtained, which deserved therefore no obedience." While the supreme legislature passed a law, which seemed to assert the extent of its power; which, during modern times, had disseminated universal dissention, its real authority was weakened, because a jurisdiction, improperly exercised, was in the end despised by both parties.

Sloughter called the first assembly in April, 1691. While they expressed their gratitude to William for restoring the true mode of English government, by allowing the representatives of the people a vote in the making of laws, they shewed, by their conduct, how much they were worthy of trust. They formally declared "the rights of the inhabitants of this province;" asserting, "that no tax can be levied on them without the consent of their delegates:" But that monarch dissented to a law, which, he was advised, ought not to have been enacted by a subordinate legislature. In declaring their abhorrence of the late usurpers, they avowed their inclination to maintain the king's authority against all his enemies. They granted such a revenue as an inconsiderable province could pay, not only for the

the defence of its frontier against the incursions of Canada, but for the support of the internal administration, of which they were enamoured in proportion as they abhorred their late connection with New England. And they endeavoured to close the wounds that the late insurrections had opened, by conferring general pardon on men whose active mischief, during recent disorders, were supposed by them to merit the greatest of punishments. Slougher however endeavoured to derive that effectual security from the enmity of the five confederated tribes against the French, which he had hardly received from their kindness, but for the considerable presents that he had brought with him from England. He was suddenly called away before he could perceive the consequences, either salutary or baneful, of measures of peacefulness and hostility. And his death transferred the government to the counsellors, who seem to have been unambitious of power; who, when they heard of the projected invasion of the Canadians, demanded the aid of neighbouring colonies, which was refused in the moment of danger, because they equally expected attempts on themselves. In this extremity of apprehension and of weakness, which shewed them how easily excuses are framed by disinclination, the council looked to England for assistance. Having stated their insupportable pressures, since their miserable union with Boston, because it had perverted the principles of the people, they begged for warlike stores, and other aid, in such language of importunity, as demonstrated at once the inabilities and the wants of the province.

Informed by these representations, England freely gave to New York that assistance, which her colonial neighbours

neighbours had absolutely denied. Governor Fletcher brought with him warlike stores, presents for her Indian allies, and two additional companies of soldiers, which were placed on the national establishment. And the provincials were not then ungrateful. While the assembly transmitted thanks to William for those seasonable favours, they endeavoured to attract his commiseration, by representing, that they were left alone, to struggle against a too potent enemy, by other colonists, who shewed little inclination to grant what was no less due to justice than to policy: and they requested special directions to other assemblies, who were equally interested in the contest, to assist a province which must otherwise sink under its load. They at the same time shewed that they were worthy of attention. They continued to grant supplies, not indeed in proportion to what the conjuncture required, but to their abilities to give. They displayed unusual energy of conduct in defending their frontier, when left to their own exertions. And they sometimes made the Canadians feel, even in their own country, those severities, which by them had been too often inflicted on others.

A consideration of the distresses of New York, which was regarded as a barrier between the southern settlements and Canada, induced England to adopt a new mode of assistance, by requisition. For the first time Mary transmitted in October, 1692, a mandatory letter to every province, Carolina excepted; signifying the royal will, that each should furnish a quota of money and of men to New York; since it was but equitable, that they, who partook of the benefit, should support part of the burden. But the prudent orders of the queen came too late

to

to prevent the severest disaster that had ever befallen the Indian allies of England. In order at once to chastise the obstinacy of the five nations, and to excite their contempt of the English, by exhibiting a sad picture of their impotence, Count Frontenac, sent a strong party of Canadian hunters to surprise that gallant people during the severity of winter. A singular display of perseverance and ability enabled them to execute his purpose but too successfully: they surprised the Mohawk villages which lay nearest to Albany, and carried off three hundred of their bravest warriors in chains. The alertness of Schuyler, who commanded the militia on the frontiers, did not permit the Canadians to return unmolested to boast of their success and sufferings: by repeated acts of bravery and conduct, he recovered almost the whole of his Indian allies. And the singular activity of Fletcher, in hastening to the relief of his friends, induced them to call him for ever after "the great swift arrow." Pleased with his attention and his diligence, the assembly gave him their thanks, and enabled him for one year to maintain three hundred volunteers, for the security of a frontier, which recent experience had shewn could be surprised during the extremity of winter. Amid this disastrous season, the colonies on either side enjoyed every advantage of profound tranquillity, without pitying the miseries of others, or regarding the royal requisition, which should never have been made, since it could not be enforced.

The representations of Fletcher made a deep impression on the mind of William, because they shewed him the imbecillity of New York, the distraction of the provinces, and the superiority of the French, owing to their
unanimity

unanimity and vigour. He empowered that active officer to command the militia of Connecticut, that their services might be useful on the day of attack ; never reflecting, because he was misadvised by his law-officers, that the charter of the colony had invested all power in the corporation. He sent two additional companies of soldiers, which, like the former, were placed on the establishment of the English army. He transmitted abundant supplies of artillery and ammunition, "notwithstanding the low state of his magazines." And the majority of the provinces, having either refused or declined to comply with the queen's mandatory letter, because the nature of their forms led to dis-union, the quota of each was now appointed, and each was required to send it to New York, when future danger should demand necessary aid.

Yet those salutary measures did not extricate New York from her embarrassments, because, though well intended, they were unequal to the object. While the Canadians, animated by one common passion, were directed by an able commander to one common end, it was beyond human skill or power to defend an extensive frontier against an enemy, who derived innumerable advantages from morasses and forests, so embarrassing to disciplined troops, who expect the comfort of quarters in the night, and the regularity of march or of onset in the morning. A war of murder and of ambuscade, of sudden incursion and alert retreat, administered during several years every circumstance of misery, unattended with any of the alleviations of enjoyment or of hope. During those scenes of uninteresting hostility, the five confederated tribes, who formed an impenetrable fence a-

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round the northern colonies, acted as the principals rather than the allies, as the defenders rather than the tributaries of the English, who could neither afford the protection due to subjects, nor furnish the assistance that associates may claim.

While New York thus struggled without effectual aid against the difficulties of the war, her counsels were distracted, and her repose was disturbed by two potent parties, which had grown out of the insurrections of the revolution. A general pardon had been granted without fees, under the great seal of England, because the public quiet was wisely preferred to the clamours of faction. And the laudable endeavours of Fletcher seemed to have restored that unanimity and temper, which wise nations above all things prize, when he perceived, with regret, that heats had only been allayed, but not extinguished: he was astonished, when he found "that Sir William Phipps was the incendiary who fanned the dying embers of former discontents." He demanded explanation of a conduct, so unworthy of a royal governor, to no purpose, while the chief ruler only executed what the people of Massachusetts highly approved. They protected the adherents of Leisler, because they had acted the same seditious part at the revolution; remarking, what shews the depth of their policy, "if what Leisler did be ill, how came the king and queen to sit upon the throne?" and they intrigued at New York, and procured an act of parliament to reverse his attainder, because it disturbed the authority of those whom they regarded as his executioners*.

While

* Never was there a transaction so finely calculated to exercise the recriminations of party as the story of Leisler, since the whole turned on a circumstance,

While New York mourned the success of the intrigues of a neighbour who deprived her of real strength, by assuming the government of islands which had long, by their taxes, supported her power, she sent agents to England in 1695, to represent her weakness and to ask for effectual relief. They proposed, as the only means that could save their province and secure the attachment of her faithful Indian allies, to dispossess the French of Canada, to erect fortifications on lake Ontario, to strengthen the frontiers with a thousand regular troops. In their zeal for their native territory, they seemed not to reflect, that England, debilitated by making exertions beyond her strength, was little able to engage in fresh projects, when recent experience had shewn how little the colonies interested themselves in a contest that had their rights, as well as her own, for its object. Yet of her parental munificence she gave them additional proofs.

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stance, trivial in appearance, though important in reality. He had not been accused of inciting an ignorant populace to acts of violence; of proclaiming the prince of Orange without orders from England; of assuming the government without authority; which were all actions irregular and illegal: but Leisler was indicted of treason, "*for holding by force the king's fort against the king's governor, after the publication of his commission, and he had become thereby chief magistrate, and after demand had been made in the king's name, and in the reducing of which lives had been lost.*" The preamble of the act of parliament, [6-7 William III. ch. 30. private,] that reversed his attainder, is one continued falsehood; though the committee, to whom the bill was committed, had before them the record of the conviction, with explanatory papers. That every fact, which in the law of England constituted the crime, should have been suppressed, ought not to surprise, when it is considered, that sir Henry Ashurst, one of the agents of Massachusetts, sat as chairman of the committee and directed their proceedings. What was to have been expected from a furious party-man, who acted as the partizan of a people, whose bribes during every reign evince, that they only regarded the end but never the means?

She conferred more liberal presents on the friendly tribes; she sent military stores and an experienced engineer to enable the colonists to defend themselves: and she renewed her former requisition of quotas with still less success, because the assembly, which had granted a little, learned, from observation, that delinquency had never been followed with punishment, or even with censure.

During a state of weakness and disquietude, which resulted no less from the natural situation of New York than from the impression of an enterprising enemy, Fletcher attempted to assume the command of the military force of Connecticut; in order to derive, from this circumstance, that assistance which his sovereign had without reason expected. In vain he endeavoured to convince the general court, that his commission had invested him with the same authority over their militia, which they had long enjoyed under their charter. In their want of formal notice, they found an excuse for their want of comprehension. And, that they might gain all the advantages of delay, they made a general offer of a contribution against the common enemy, as they foresaw that it was of a nature to repel acceptance. Without success he tried to conciliate an irascible people by proposing to continue former military officers in the same station, while he demanded submission to his power, which he insisted belonged to the present king, since it had been once conferred on the crown by act of parliament. The recent dulness of the general court was by this reasoning illuminated into perfect intuition. They gloried in admitting the right to be inherent in the crown: but they remarked, with a shrewdness which hit the statesmen who had advised the present commission, “that it had
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“ been granted by a former king to the colony, and
“ had been properly exercised by the governor during
“ prior reigns.” And they adjourned, to give Fletcher
time to consider an argument, which the crown-lawyers
afterwards found to have been so decisive as to admit of
no confutation. Fletcher retired hastily to New York,
as he saw approaching commotion and dreaded personal
insult.

Connecticut at the same time dispatched Winthrop
to England, “ to solicit security of chartered rights.”
Having heard all that lawyers could say, the attorney-
general Trevor now discovered, “ that the charter had
“ given the ordinary power of the militia to the
“ governor of the colony, but that the king might ap-
“ point a commander in chief over all the plantations,
“ who on extraordinary occasions might call out and
“ direct their quotas.” That monarch approved of an
opinion, wherein he perceived an excuse for his late
conduct as well as a justification for his intended policy.
While he recalled the obnoxious commission, he directed
that one hundred and twenty men should be the propor-
tion of Connecticut, which her agent promised should
be always ready. Having thus gained her object, it was
easy to find reasons for denying compliance with what
she thought improperly asked, as chicanery is never at
a loss for argument. It was perceived only by the few,
that, in every imprudence, there is a diminution of dig-
nity, because men seldom venerate the power which
is exerted without consideration.

P E N N S Y L V A N I A.

URGED by his inclination to resume proprietary governments, which he was advised were inconsistent with the just authority of England, William discovered a pretence, when he heard of the contests of Pennsylvania, and perceived the intrigues of Penn in favour of the late king. The lords of the committee for colonies having determined on the policy of the measure, which the crown-lawyers had asserted was legal, that monarch in October, 1692, invested Fletcher with the same jurisdiction over this province as he already executed over New York; never reflecting, that without trial an individual had been deprived of his rights and a people of their privileges. Penn was not however of a temper to resign his patent without resistance. And he warned Fletcher of the danger of executing an unconstitutional commission, while he instructed his friends in Pennsylvania how to render it fruitless.

Of this province Fletcher assumed peaceably the administration, in April, 1693, since the Quakers generally obstruct by intrigue what the Independents always oppose by force. Instructed to copy the customs of New York, he disregarded, in the appointment of officers and the convening of assemblies, the ancient constitution, which had engaged the affections of the governed, notwithstanding the remonstrances of individuals, who perceived in recent change the loss of their consequence. When the delegates assembled, they practised the lessons
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of opposition, which the proprietary had taught them. Though they admitted Fletcher to be their lawful governor, under a saving of the rights of the people, the session passed away in continued contest, because the scene in which all acted was new. Owing to a kind of compromise, he at length passed a long list of laws, that the growing greatness of the provincials required: they granted, in return, a small supply for the support of a government, which they regarded with some reason as an usurpation, because they were threatened with what they dreaded the most, an annexation to New York. In the height of his chagrin, as he retired from late altercation, he informed the ministers of England: "that
 " his commission over Pennsylvania was merely a trou-
 " ble, without answering any of the purposes of union
 " or energy, since the Quakers, who, contrary to his
 " inclination, had been admitted into the legislature,
 " little regarded the queen's mandatory letter, and would
 " rather die than use carnal weapons."

As it was now apparent that the policy had failed to which had been sacrificed the Pennsylvanian charter, the wonted address of the proprietary with the greater ease obtained its restoration. The attorney and solicitor general, Ward and Trevor, now discovered what was before apparent to the world, that a patent, which remained yet uncanceled, had conferred on Penn every power of government, subject only to the prescribed superintendence of the crown. Relying on promises of obedience to the royal requisitions, which the proprietor knew he could not perform, perhaps ashamed that they had deprived an Englishman of his rights contrary to law, the council for colonies advised the restitution of what

should never have been taken away, because the expected good was unequal to the certain mischief of bad example.

Meanwhile session after session had passed away in fruitless altercation, as the governor acted under the influence of self-importance, and the delegates were inspired by well-grounded jealousy. A common interest reconciled both parties, in 1696. The one resolved to grant money, if the other would "settle the people" in their former constitution." Since an expedient is easily found when litigants are disposed to agree, one bill for granting three hundred pounds, partly for support of the government, partly for the relief of the Indians, another for establishing a new system, were at the same time passed, that no advantage might be taken by either party. The new "act of settlement" deserves not to be now recited, because it did not long continue in force. The assembly of the subsequent year confirmed the transactions of the present, as their validity had been doubted in the province with sufficient cause. But the delegates refused either to fulfil the promises of the proprietor, or to comply with the royal requisition of aid for New York; pleading "the infancy, the poverty, "and the incumbered state, of the colony." Never had any country enjoyed however so much prosperity as Pennsylvania, notwithstanding changes and contests, which little affected general industry, since the original spirit of diligence was invigorated rather than repressed by them. Her government gave equal protection to the fugitive, the smuggler, and the pirate, who seem to have all augmented her wealth without injuring her morals. And disregarding the acts of navigation, as it was easy to
impeach

impeach the rectitude of a policy, which was found to be inconvenient, the Pennsylvanian traders discovered profitable markets in every port. Of these illicit practices the ministers of England were told by the governors of Maryland and Virginia; who suggested remedies with the same zeal, as if a check, given to the irregularities of one colony, could promote the commercial ardour of another.

M A R Y L A N D.

THE counsellors of William rejoiced when they heard of the insurrections in this province, which gave them a pretence for adopted measures. And he resolved, in October, 1690, to send thither a chief ruler of royal appointment, though the charter continued in force. Every obstacle to the execution of his will, arising from the rights of a nobleman or from the principles of law, was removed by the renowned chief justice of England, sir John Holt; who advised, “that, *though no forfeiture was found, yet, being in a case of necessity*, the king may “appoint a governor by his sole commission, whose “authority will be legal.” Perceiving equal danger from the temper of the prince and the resolution of his ministers, lord Baltimore formally offered “to place “the government in protestant hands;” though he refused with a becoming spirit to surrender his ancient authority, which he had never forfeited or even abused,

And

And a commission was not long after issued, appointing a new governor and establishing a new administration, to which the ministers thought it prudent, because they still feared for their own safety, to procure the explicit approbation of the chief justice and the attorney-general, by counter-signing the patent. Doubtful, nevertheless, of the legality of the warrant, the commissioners of the privy-seal refused to perform their duty, till they were peremptorily ordered by the privy-council to discharge a trust that they shewed, by their delicacy, they executed with fidelity to the king and subject. Yet, at the same time that the proprietary was thus bereaved of the powers of jurisdiction by violence, his private estate was not directly invaded, though it was considerably injured. Still fearful of having offended the laws, which it was the duty of all to respect, the ministers ordered a writ of quo-warranto to be afterwards issued against the charter, in order to procure that verdict of a jury, which ought alone to have deprived an English subject of his rights. It was nevertheless found difficult, if not impossible, to prove the facts, which had hitherto been only supposed. Treby, who had seen the expulsion of Sawyer by the commons for carrying on similar prosecutions in the prior reign, refused to proceed, without a written order of the privy-council. And no judgement was therefore obtained, though lord Baltimore was outlawed by mistake. The best friends of the revolution regretted the consummation of recent transactions, when they beheld William and his advisers sacrificing to their lust of power the late declaration of rights, by copying literally
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the example of the banished king, since their policy was right, but their means were wrong.

Having been appointed the first royal governor of Maryland, because he had secured Hull for the prince of Orange, Copley received his charge, in 1692, from the committee of safety. The men, who had been most active in promoting the late change, were naturally entrusted with power, though they were not the most worthy. But the provincial system underwent little other alteration than that the king's name was substituted in formal proceedings for that of the proprietor. The only contest, between the new ruler and the delegates, seems to have been, whether the one should be the most rapacious, or the other the most liberal. In their zeal for the revolution, they not only established a standing revenue for the support of a government, which their violence had procured and their judgement approved, but they made a tender to their sovereign of a considerable tax on the tonnage of such vessels as did not belong to the province, that had been received since the restoration by lord Baltimore as his private property. In rejecting whilst he was poor an annual income, which was pressed on his acceptance by those who seemed to have a right to give, because he was told that it belonged to an individual, does William more honour than the greatest of his victories. In their hatred of popery, the assembly attempted to erect with an illiberal hand the church of England in the room of every other Christian church. Yet inserting in their act, "that the great charter of England should be observed in all points," it was rejected by the privy-council: the solicitor-general, Trevor, gravely insisting, "that he knew not how far the enacting there-

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“ of will be agreeable to the constitution of this colony,
“ or consistent with the royal prerogative.” Incited by Copley, the assembly transmitted their humble thanks to that monarch, “ for redeeming them from a tyrannous
“ popish government ; for sending them a protestant go-
“ vernor, with a valuable supply of warlike stores.” Trial ere long convinced the Marylanders of a truth which other communities had already learned from experience, that they had sacrificed in their contests for pre-eminence real fruition to the ardour of change, and now only grasped a shadow in the place where they hoped to have found enjoyment.

Placed at an envied distance from Canada, this province felt little other inconvenience from the war than the diminution of the value of her only staple, which was no longer demanded with former solicitude. In order to balance the interruptions of foreign traffic, she offered rewards to domestic manufacture, and promoted illicit commerce. Alarmed by these measures, the English merchants, who were said to have discouraged the planters in their avidity for gain, complained to the ministers of William, “ that a direct trade was carried on to Scotland and to
“ Ireland, which was no less injurious to them than to
“ the national revenue.” Well-founded clamour procured positive orders to the governor “ to hire a small
“ vessel to cruise against unlawful traders.” The assembly, however, where concord seemed to preside, as Nicolson, who now executed the powers of Copley, attended to the prejudices of the people, endeavoured by wise regulations to ensure public prosperity ; by giving encouragement to learning and to the natives of the province. They granted a small sum of money to the dis-
tressed

treffes of New York, in lieu of their appointed quota of men. But to their sovereign they transmitted an address; thanking him for former favours; yet requesting an exemption, on account of their indigence, from farther contributions, which in their application brought no benefit to them. Though requests were not literally conceded that were not supposed to be perfectly just, they had the satisfaction to be told by the lords of the committee of colonies; "that, while the plantations had disgraced the English name by their piracies, no imputation had been cast on the conduct of Maryland."

V I R G I N I A.

ANIMATED by the contests of the times, this province was far from happy under lord Effingham's administration, during the last years of James II. The new king was scarcely enthroned when Ludwell complained in the name of the burgesses against that nobleman for various oppressions; which, arising rather from questions of disputed jurisdiction than from any depravity of heart, were with the usual policy of courts compromised rather than decided. Dissatisfied with a determination which continued their obnoxious governor, the agent, whose activity was quickened by a sense of personal injury, made a similar complaint to the commons of England, "on behalf of the commons of Virginia;" who thus admitted their superiority when they hoped to profit

fit from it. But, though a committee was appointed to hear their grievances, no redress was given, because Treby and Somers, probably gave the same opinions to the house against the pretensions of the delegates as they had officially given to the prince.

Nicolson, who had been driven from New York by Leisler, was sent to rule Virginia as lieutenant-governor, since lord Effingham shewed no inclination to revisit a people, who had thus endeavoured, though without success, to prevent his return. Having by conciliatory arts restored a tranquillity that had been somewhat disturbed by the late change, Nicolson attempted with his usual ardour to put the province in a posture of defence ; which however could only be completely protected by ships ; since it is every where intersected by navigable rivers. Though the Virginians saw not an enemy during the war, their commercial interests were affected in proportion to the greatness of the embarrassments of England. The assembly passed various laws “ for the advancement of the manufactures of the country,” because the people received scanty supplies from abroad. And, while that zealous officer apologised for measures which he knew would give offence to a nation jealous of the industry of others, the assembly congratulated William on his accession ; thanked him for his seasonable present of warlike stores ; and begged for farther favours. To their prayers that monarch not long after granted a liberal endowment of a college, because he was told by ministers, who have acquired the praise which the learned never fail to bestow on the patrons of learning, that, in proportion as his American subjects were informed, they would be less influenced by improper motives and
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more obedient to just commands. Yet men, who had derived caution from age, because they remembered the singular objections of governor Berkley twenty years before to a similar measure, expressed their hopes; "that the planters never would make use of the generous encouragement which had been thus afforded by the mother-country, for disputing the dependence they owe her."

When lord Effingham declined to return, though the principal inhabitants, instructed by Nicolson, had solicited, not indeed for his presence, but for the residence of every officer, Andros was sent them notwithstanding the recent clamours of New England, because his high political character suited the temper of the king. He was kindly received by colonists whose solicitations for farther supplies for the uses of war had been successfully promoted by him. But his orders "to hire vessels to cruise against illegal traders" gave offence to the planters who disregarded the acts of navigation, while they were enfeebled rather than assaulted by the war. The assembly granted five hundred pounds, as an assistance to New York, to the importunities of the governor rather than to the requisition of their sovereign or to their own conviction of its propriety. To William they represented their utter incapacity of granting farther aid to that colony: they begged, what indeed he unwillingly allowed, to be exempted from farther contributions of that nature, since they saw not the good that was to result to them from the exertions of others, as they were yet poor, and defended their own frontiers at a considerable expence. While four companies of rangers, who were wisely supported by the assembly, overawed

overawed the surrounding tribes; while their rivers were guarded by English frigates, the Virginians enjoyed great tranquillity during the long administration of Andros; because, destitute of ardour and free from contest, they felt little other inconvenience than the mortification of their vanity by the insignificance of their situation, and the interruption of their traffic from the commercial distresses of the war.

C A R O L I N A.

THOUGH the charter of this province had been thought worthy of the attention of parliament at the revolution; though similar distractions here prevailed as in Maryland; the government was not in a similar manner assumed by William, because it was exercised by English nobles, who, at the same time that they enjoyed the hereditary right of complaining in person of their wrongs, could interest a powerful body in their favour.

N O R T H C A R O L I N A

Enjoyed unusual quiet for some time after the expulsion of Sothel, because continued anarchy often prompts a desire of fixed repose. In their abhorrence of his crimes, the proprietors sent Ludwell, the late agent of Virginia, to rule them in 1690, from whose experience they hoped
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for obedience to their own commands, as well as the prosperity of the governed. But the validity of his commission was disputed, because their authority had been degraded by the long continuance of tumult. Yet, attentive to their prejudices, Ludwell had the address to preserve them in peace till they a few years after began to forget, that they had once been fatigued with the turmoil of contest.

S O U T H C A R O L I N A

SEEMED to court the distraction, which her neighbour on the north had just relinquished as dangerous or inconvenient. On pretence of a Spanish invasion, but with the real design of overawing those whom he could not govern, Colleton proclaimed martial-law, without considering, that he put arms into the hands of men, who, having long detested his measures, only wished for an opportunity to condemn his power. Amid the ferments of a people, whose natural turbulence was heightened by sense of grievance, Sothel, expelled from North Carolina, suddenly appeared at Charles-Town, in 1690. Contrary to the protests of those who had been entrusted with power, he assumed the government, which he claimed with some reason as a proprietor, under a clause of the fundamental constitutions. Honoured with the applause of the multitude, whose aid chiefly raised him to pre-eminence, he called an assembly in order to please the men

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who

who had thus contributed to his elevation. That body soon convinced the world how much they were animated by the passions of their constituents and the fury of Sothel. Against Colleton they passed "an act of incapacity citation and banishment": they punished the proprietary deputies by fine and imprisonment. And they published a variety of other acts, all conceived in a similar spirit of violence. But the proprietors dissented to bills, which appeared to them no less degrading to their just jurisdiction than injurious to the provincial quiet. And they sent a recal to Sothel, that he might answer in England for proceedings, which they regarded as treasonable, because, in the usurpation of their own power, they thought they saw an attack on the royal authority.

While they pitied the miseries of the province, ruined more by her own turbulence than by the misconduct of others, the proprietaries extended thither, in 1691, the commission of Ludwell; framing his instructions according to their charter, since the fundamental constitutions were at length by all disregarded. And a general pardon, with a few exceptions, gave security to offenders, who were too numerous as well as too powerful to admit of punishment. Ludwell found two factions, which disturbed the public repose by their contests for superiority. The one anxiously expected freedom from late disquiets in a royal government: the other pointed to their late sufferings as an evidence of present attachments. In his attempts to gain both, with the common fate of double dealers, he pleased neither. The former causes of dissention, no less than fresh disputes with regard to quit-rents, which remained unpaid, as, amidst continued distraction, the planters had forgotten to whom they

they were due, continued to promote disobedience and to incite discontent.

The departure of Ludwell only evinced, what indeed the experience of Carolina might have taught, that it is in vain to remove governors while the habits of a people remain unchanged. Smith, a respectable native of the colony, remarkable for his intelligence and integrity, succeeded to Ludwell as much by the choice of the counsellors as by the appointment of the proprietaries. Though informed by instructions similar to those of other provinces, since, to please the Carolinians, the sacred constitutions had been wholly laid aside, grievances seem to have accumulated, because the colonists discovered defects in the tenure of lands, when they were at length unwilling or unable to pay their arrears of rent. As he could neither govern nor gratify men, whose complaints begat additional complaints, the governor informed the proprietors, in 1694: "that it seemed to him impossible to settle the country, unless a proper person were sent to redress the grievances of the people."

Convinced by the admonitions of Smith, the proprietaries sent Archdale, a prudent Quaker, in 1694, to hear the tale of Carolinian woes, invigorated by extraordinary powers, because the emergency was great. He was received with acclamations, as it was known that he had much to give, and the humility of his manner offended no man's pride. Having reconciled factions to each other by his moderation, he called an assembly in 1695, in order to obtain the sanction of law to the concessions he had made. While the governor granted abatement of former quit-rents, and presents of unlocated territory to the members, he procured the concur-

rence of the legislature by the same means which had subdued all popular conventions : they enacted laws for the redress of recent and the prevention of future grievances : and they thanked the proprietors for a liberality to them which they had seldom shewn to each other. From the meekness of Archdale, even the surrounding tribes received a satisfactory justice, which, since the unwelcome arrival of the newcomers, they had never experienced before. And he had the gratification, because he pleased equally his employers and the people, of delivering up the Carolinas to his successor, at the end of two years, in an unusual state of repose. The ministers of England were meanwhile informed, that these provinces formed a common receptacle for the fugitive and the smuggler, and an asylum for the pirate, while they promoted a gainful traffic by sacrificing the acts of navigation to their interest. And the proprietaries were warned, in a tone which evinced what impressions those irregularities had made, "to beware how similar accusations were lodged in future."

THE COLONIES.

WHILE the war of the revolution finally established the freedom of England, it meantime destroyed her commerce*. Domestic industry was ruined by exertions beyond

* The following authentic detail of the English navigation and traffic will shew more precisely than has been yet done how much the wars of William affected the national commerce.

	Ships cleared outwards.			Value of their cargoes.
	<i>Tons English.</i>	<i>Tons foreign.</i>	<i>Total.</i>	
In 1688	190,533	95,267	285,800	£4,086,087.
1696	91,764	83,024	174,788	2,729,520.

beyond her strength : foreign traffic could not prosper while it was obstructed by embargos to man the navy, which too seldom protected the enterprizes of the merchant from the activity of the privateer. And, amidst universal debility, the people ceased to furnish contributions either by their consumption or their taxes. During that period of commercial weakness, D'Avenant complained to the public of what the state-papers evince to have been well founded : “ that, “ during this war, the colonies have presumed, as it “ were, to set up for themselves, and to load their effects on ships belonging to foreigners, and to trade “ directly with other nations, sending them their commodities and receiving from thence manufactures not of “ our growth, to the great damage of this kingdom.” Owing partly to causes already mentioned, but more to what is here asserted, the value of the annual exports of England to her continental settlements, at the peace of Ryswick, amounted only to £140,132; of their imports to £279,854. D'Avenant, and the politicians of that day, insisted, that, since the amount of importation so much exceeded that of the export, the nation was annually enriched by a favourable balance of £139,722 : in the judgement of the calculators of the present times, the colonial commerce must have then been disadvantageous to the state in proportion to the debt which was yearly incurred. The contradictory reasonings of wise men, on complicated subjects, ought to prompt diligence in ascertaining the authenticity of facts, and moderation in affirming what measures of policy should be the result.

Incited by their jealousy as much as by their interest, the merchants of Bristol and Liverpool had complained

to the commons in 1695, without gaining redress, of the extensive commerce carried on from the plantations to Ireland and to Scotland, by which the connexive tie was not only loosened, but the national revenue was diminished fifty thousand pounds a year. A bill was indeed ordered in, with design to give a remedy to every complaint. But parliamentary measures, that are not supported by influence, seldom succeed. Resigned to the depredations of the enemy, the clamours of the traders roused the attention of parliament, during the session of 1695-6. The ministers were accused, in the party-language of the season, of sacrificing the traffic of England at the shrine of foreign interests, though their crime chiefly consisted of inexperience and cabal rather than of settled perfidy. And a motion was made to establish, by an act of the legislature, a council of commerce, which however was over-ruled; as the discovery of the assassination-plot turned the current of debate. Before mens terrors had subsided, before the subsequent session, William appointed commissioners, whose deliberations were directed to the superintendence of the colonies; to the promotion of the commercial advantage of England. Thus was established in May, 1696, "the Board of trade," after colonial affairs had remained from the dissolution of the ancient Virginian companies, in the reign of James I. under the direction of committees of the privy-council, though they underwent various modifications. Directed by the spirit of the preceding session, both lords and commons instantly demanded copies of their commission, that they might know their powers; and of their proceedings, that they might judge of their efficacy. The Board reported; "that they had employed

“ ployed much time in promoting domestic industry, in
“ urging foreign enterprize; and much attention in cor-
“ responding with the governors of colonies; in peru-
“ sing acts of assembly; in giving energy to the laws of
“ navigation, which it had been found so difficult to en-
“ force.” For several years after, both houses of parlia-
ment demanded, what was regularly furnished by the
Board, a general state of the national commerce, in order
to discover whether it prospered or declined.

The disorders and the consequent weakness of the
plantations, owing less to the pressures of a too potent
enemy than to the impossibility of procuring the con-
currence of twelve democratical conventions in any com-
mon measure, who, being all independent of each other,
were actuated by dissimilar designs, had been so often
represented to the ministers as at length to engage atten-
tion. That respectable commission, “ having confide-
“ red the whole matter with the utmost care,” stated to
the lords-justices, in September, 1696, during the king’s
absence: “ that in those settlements there was force
“ enough to repel the neighbouring French, but they
“ are so disunited in interests that they have hitherto af-
“ forded little assistance to each other, and shew a worse
“ disposition to do it in future; nor can it be imagined
“ that the English there should think it much to em-
“ ploy their own hands and purses in defence of their
“ own estates, lives, and families, yet should expect to
“ be wholly supported from England, which hath spent
“ so much blood and treasure in the carrying on of so
“ lasting a war: that, by reason of the various indepen-
“ dent governments, they could not perceive how it is
“ possible to preserve those provinces, unless his majesty

“ shall appoint a captain-general of all his forces and of
“ the militia of all the colonies, with power to le-
“ vy and command them for their defence : that,
“ considering it would be impossible for the planters
“ to remain in that country if the neighbouring Indians
“ should once be gained over to the French, it will be
“ very expedient to secure the tribes by every encourage-
“ ment, giving them rewards for all execution done by
“ them on the enemy, and the scalps they bring in to be
“ well paid for.” While the Board, with the concurrence of Mr. Locke, thus recommended the appointment of a dictator, because they deemed that to be necessary which the crown-lawyers had declared to be legal, the famous William Penn proposed a scheme of colonial polity, more consistent with his views, as well as more favourable to freedom, if not to independence. He recommended the establishment of a congress of twenty persons, to be chosen annually by the assemblies; of a president to be named by the king; who, in peace, should adjust differences between the provinces and promote the interests of commerce; in war, should consider of means to defend the whole against the common enemy. The project of the Board was not adopted, because the peace of Ryswick soon put an end to hostility: the congress of Penn was still less regarded, since an innovation, the effects of which could not be foreseen and prevented, was not favourably received either by the ministers, the peers, or the public, though it was recommended by the powerful persuasion of D’Avenant.

Inflamed by the continued clamour of merchants, and urged by the representations of ministers, the parliament deliberated on colonial affairs during the session of 1696. They enforced the various statutes of the reign
of

of Charles II. because "great abuses were daily committed to the loss of a considerable part of the plantation-trade to this kingdom." An oath was imposed on governors, obliging them to execute those laws which had become the deserved favourites of a commercial nation, as "their neglects and contempts were remembered." The officers of "the revenue in the plantations" were invigorated, by giving them the same power in the colony as they had long enjoyed in the kingdom; since the opposition to collectors had been continually complained of. Incited by the common jealousy of foreigners, the parliament declared, that all officers in the courts of law, or in "the treasury" of the plantations, shall be filled by natural-born subjects. The bye-laws of territorial legislatures, and the usages which the colonists had adopted in opposition to the statutes of England, were annulled, because it was deemed incongruous that a subordinate body should contradict or disobey the rules prescribed by its superior. The proprietors of provinces were restrained from selling their rights to foreign princes, that so plausible a title might give no cause of contest, though writers objected to the rule with the querulous temper of contemporary politicians, because they did not comprehend the wisdom of its policy. And the parliament invested the king with the power of approbation over the governors of chartered colonies, since it was judged impolitic, that the supreme magistrate should enjoy no controul over inferior officers, who were entrusted with the execution of the law, beyond the reach of observation. A statute*, which, by asserting the highest of human authority, contained

* 7 and 8 William III. ch. 7,

contained so many important regulations, which gave rise to subsequent system and to future opposition, was brought in by Blathwayt, so famous during those days for his colonial knowledge, and passed by the commons without division or debate.

The house of lords separately inquired into the condition of the transatlantic settlements with an attention to the commercial benefits of England, which did them honour. To William they represented in March, 1696-7: "that, having considered the state of the trade of this kingdom to the plantations, they had found many abuses of the several good laws made for their government, and very illegal practices carried on, to the great detriment of the kingdom, whereby the act lately passed had been greatly obstructed:" they recommended therefore, "that the proprietaries should be obliged to give security in England that their governors shall constantly obey the royal instructions for the execution of the laws; that courts of admiralty should be erected in the various plantations, in order that offences against the acts of navigation might be no longer decided by judges and jurors, who were themselves often the greatest offenders." Directed in their inclinations by so high an authority, the Board of trade transmitted copies of this signal address to the colonies, with the most positive directions to observe the laws of trade, under the penalty of the forfeiture of charters, which had been so greatly abused; without considering, however, that it is not only useless but impolitic to issue commands which may be disobeyed with impunity.

The proprietaries either refused or declined to give the security demanded of them, which they thought no
law

law required. The resolution of the peers, they insisted, could not, however respectable, compel them to perform what they deemed in itself unreasonable, as their sovereign might now deny his approbation to their appointments. And they pleaded their charters in opposition to the royal nomination of admiralty-officers. Having heard their counsel, the crown-lawyers determined, that no colonial patent prevented the king from establishing an admiralty-jurisdiction within every dominion of the crown. The Board of trade added their decisive weight, since the commissioners of the customs had represented the necessity of the measure, "as a thing highly conducing to the execution of all penal laws for the good of the plantation-trade." And courts of vice admiralty were not long after erected in the several colonies, whose jurisdiction was viewed with extreme jealousy; whose proceedings were opposed with an energy equal to the supposed encroachment on chartered privileges. Thus was the year 1697 the æra of this memorable change in colonial jurisprudence, which superseded in some measure the trial by jury, that had been found to be inconvenient in proportion as it was favourable to popular rights. A natural greatness attends a certain class of men, the Shakspeares and Bacons, the Somers's and Newtons, which raises into importance every circumstance respecting them. It may gratify a reasonable curiosity to be told, that Mr. Locke expressly advised his sovereign "to settle courts of admiralty under proper officers of his own appointment, in order to prevent illegal trades in those parts."

From the vigorous opposition which had been thus made to the erection of those judicatories, obnoxious,
because

because decisive, it might have been foreseen with what temper their judges would be admitted into the different settlements. Notwithstanding late instructions to governors, which the peers in their zeal for the interests of commerce, had condescended to approve, "old complaints, of obstructions to the officers of the customs, of opposition to the courts of admiralty, continued; of connivance at illegal trade in some and encouragement by others." It was not distinctly perceived that the lamented irregularities were only the consequential result of long-existing causes; of the principles of the planters, and the forms of their government: it was unwise to give directions to governors, who either wanted power to execute unpopular commands, or made a merit of disobedience. Yet urged by a consideration of "the mischievous tendency" of what it was so difficult to prevent, the Board of trade afterwards renewed their orders and endeavoured to procure them submission, at least respect, by threats, unavailing, because unexecuted.

Meanwhile the tedious war of the revolution drew towards a conclusion, since all parties were exhausted by the continuance of fruitless hostility. Having obtained, what was his chief object, the acknowledgment of his title to the crown, it was easy for William to procure at Ryswick, in September, 1697, a general declaration; that the territories which each party had possessed prior to the war shall be mutually restored. But, having pleased himself by gaining a petty point, that monarch no more recollected his incentive promises to the colonists, as he forgot to settle their undefined boundary, which had so much engaged the prudent attention of James; as he neglected to adjust the rights of fishery, that soon gave
rise

rise to dispute ; as he resigned to the chastisement of Canada the confederacy of the five Indian nations, who enjoyed the honour of being the only allies of England, who had fought her battles without receiving her pay. The man predominated over the hero. When he became at last fatigued with inglorious contest, he became inattentive also to others, regardful only of his own repose amid the distractions of his people.

But a peace was become necessary, since nothing could be gained by the unavailing continuance of warfare. Exclusive of the enormous sum of thirty millions that England had actually raised, a national debt was also incurred, of twenty millions : and both ought to be regarded as the high price paid for the revolution and for the freedom of the colonies no less than of England. Far from giving aid to the parent state during a momentous struggle for the interests of both, the colonists, unable to defend themselves, were supplied with warlike stores and troops for the defence of their frontiers ; with ships for the protection of a feeble commerce, which, being turned from its ancient course, was diverted from her merchants to strangers.

Owing to their situation in the vicinage of Canada and Acadie, New York and Massachusetts had alone felt the stroke of an enemy. Their borders had been often ravaged by a cruel foe, who intended to vex and to terrify rather than to gain possession of what he could not retain. Yet though those provinces were obliged to expend sums, considerable when compared with colonial expence, like England they incurred no debt of lasting incumbrance, while the other plantations enjoyed the gratification

gratification of quiet, without either pitying their distresses, or relieving, as they ought, their embarrassments.

Scarcely was the peace announced when its omissions were felt. Overlooked in the treaty, the Indian allies of England were left to continue alone their ten years contest with Canada, which had already carried off one-third of their warriors. The extensive country of those powerful tribes had been considered by English statesmen, though upon no acknowledged principle, as a territory of England: and they thence presumed, that, when European hostility ceased, American warfare must also end. The French did not admit suppositions to be just, which were so contrary to their immediate interest and their future projects. And count Frontenac, who during several years had ably governed New France, threatened the five nations with immediate destruction, if they did not send deputies to make a separate treaty, since he affected to consider them as an independent people. In vain lord Bellomont assured that officer that he would give his friends every aid, and even renew hostilities, if he ceased not from his purpose. The Canadians ultimately gained their end, because, by informing the chiefs of those cantons, that the English claimed them as slaves, they derived every advantage from flattering their ruling passion. The French at the same time pushed the boundary of Acadie westward to the river Kenebeck; claiming the country as theirs from ancient right as well as from the treaty of Breda; and prohibiting the New Englanders from the exercise of traffic or of fishery on its coasts. In order to evince the encroachments of France, English statesmen endeavoured to carry the eastern limits of New England thirty leagues eastward from the Kenebeck to
the

the river St. Croix, which had been the ancient boundary of Nova Scotia. But the pretensions of neither could be supported by candid discussion. The peace of Breda, and subsequent occupancy, had established the real line of division at the river St. George, nearly in the middle between. While wise men regretted the impolicy of weakening real rights, by insisting too strenuously on pretended ones, they remarked how fruitless it was to look into the law of nations for principles strictly apposite to American disputes, which could only be settled by amicable conference and mutual concession. Perceiving her own ruin in the invasion of her borders and the loss of her fishing, Massachusetts applied to William for protection against the attempts of France on both, in such language of solicitude as shewed her anxiety and her weakness. Thus the defective pacification of Ryswick entailed on England and her colonies future altercation and subsequent war, with the unpleasantness of the one and the woes of the other.

The privateers, which had been put in motion by the late enmity of nations, were easily converted during the leisure of peace into pirates; who, with their undistinguishing spirit of rapine, spared neither friend nor foe, the Asiatic any more than the European. The first of those universal plunderers were said to have been sent from Boston, which had long taught the other settlements lessons of opposition to the laws, and now shewed them a pattern of profligacy inconsistent with the moral sense. Intelligence, that the pirates were notoriously protected in the colonies, roused the attention of the Board of trade. When they were told of "the resentment of princes
" and states; of the prejudice to traffic; of the scandal

" to

“ to the English name;” they recommended to the several assemblies to pass an act similar to that of Jamaica, punishing the guilty with death. Of the local legislatures a few complied, some declined, and others denied obedience. Reiterated complaints procured orders to the governors to send the free-booters to England for trial and for punishment, but without success. As the wisest lawyers perceived “ that a new law was wanting,” the excellent statute, * “ for suppression of piracy,” was passed during the year 1700; declaring what should constitute the crime; appointing, within the colonies, a simple but adequate jurisdiction for its trial, “ notwithstanding any patents;” enforcing its authority by a declaration, that, if any governor refuse obedience to what had thus been enacted, the charter of his colony should be forfeited. The real policy of England may be seen in what the Board of trade remarked to lord Bel-
 lomont, in April 1700, when they transmitted him a copy of this memorable act of the supreme legislature which they directed him to publish: “ that the parlia-
 “ ment, having in view the refractoriness of New Eng-
 “ land and other plantations, had now passed an act, for
 “ the suppression of piracy, that extends to all; by which
 “ those of New England may perceive that, where the
 “ public good does suffer by their obstinacy, the proper
 “ remedy will be found here.” Happy had it been for England, perhaps for the colonies, had the intention suggested by the Board been at all times punctually formed into rules by the legislature! In order to execute what had been on those motives obtained, commissioners

* 11 and 12 W. III. ch. 7.

were

were soon appointed in the several settlements. And, from his vigorous exertions to suppress a crime which had disgraced his subjects in the eyes of foreign nations and obstructed general commerce, William gained more substantial renown than from his most splendid conduct in war.

NEW HAMPSHIRE.

WHILE colonial principles thus produced their consequential effects, this inconsiderable province regained tranquillity after the expulsion of lieutenant-governor Usher, as Partridge, his successor, allowed the council and assembly to rule in all things. It relapsed into former disorder as soon as Allen, the obnoxious proprietary of the soil, assumed the government. And, at the same time that he informed the Board of trade of the bad state of the colony, he warned them in November, 1698, "that, till a few of the principal Independents are sent for to answer in England, there will be no obedience yielded to the king or parliament." Owing however to the enterprize of Partridge, who was himself a carpenter, the prosperity of New Hampshire was for the first time promoted by the traffic of timber to Portugal. The jealousy of England induced the Board of trade to prohibit what seemed no less inconsistent with her naval power than contrary to the spirit of her commercial system. But interest quickened comprehension: the colonists easily learned, that every product of their labour,

bour, which had not been restrained by positive law, might be freely exported to foreign nations. Having found an opportunity for censuring "their carpenter-governor," because he had taught men lessons so inconsistent with his duty, lord Bellomont informed the Board of trade, in November, 1700: "that they laughed at the orders of the Board against it, and so they would at those of the king, as they know very well that nothing but an act of parliament can hinder them." The wise regretted, that, when the New English were already too prone to oppose the laws of England, their real authority should have been weakened by attempting to enforce what they did not command. By flattering the propensities of the planters of New Hampshire, that nobleman obtained, during his short administration, acts of assembly and presents, which none of his predecessors, because more attentive to rigid instructions, could ever acquire: by allowing the Independents to govern themselves, peace was preserved, while he enjoyed in return their petty gratuities. But his superiors were not perfectly pleased, when they perceived, in this illiberal coalition, the sacrifice of the royal prerogative together with the authority of the nation.

M A S S A C H U S E T S

D I D not, in the mean time, complain of the length of lord Bellomont's absence in his other governments, because, while "the assembly managed their own affairs
" without

“ without controul, they were very easy and saved the
 “ promised present.” When however he at length assumed the administration, the same arts did not here obtain the same success, as he was opposed by politicians more experienced and persevering. Though his attention to individuals procured him larger presents from the delegates than had ever been given to any former governor, he could gain their approbation to few of his measures. They refused to pass various bills that the Board of trade had transmitted for the suppression of the crimes of the smuggler and the pirate, as they were little governed by the reasonings which he urged to procure their assent; “ that the laws of the province ought to be agreeable to
 “ the jurisprudence of England.” He was told, in a firm tone, by the counsellors whom he pretended to direct, “ that they were too much cramped in their liberties already, and they would be great fools to abridge,
 “ by a law of their own, the little that was left them.” They declined to fortify Boston, far less to rebuild Penmaquid, the nearest fort to Acadie, or to procure warlike stores; pleading their poverty as an excuse for want of inclination. It was with some difficulty that he could wrest from the counsellors the power of nominating officers, which the charter had reserved to the governor; which they had however usurped during the administration of Phipps and of Stoughton. He found it impossible to protect the Indians from “ the barbarous usages,” of which they daily complained, because the members of the legislature were the persons who had taken from them their lands. The merchants of Boston having complained to the assembly of 1700 of the decay of trade, even the counsellors expressed “ their indignation at the

“acts of navigation”; insisting, with the genuine spirit of pristine times: “that they were as much Englishmen as those in England, and had a right therefore to all the privileges which the people of England enjoyed.” In vain lord Bellomont rebuked individuals for a declaration, which he thought unworthy of their station; which however only avowed what the people universally thought. Incited thus by temper, Massachusetts as well as New Hampshire denied appeals to the judicatories of the parent, since the admission of an appellate jurisdiction supposed inferiority and preserved dependence. The court of admiralty had to encounter here the fiercest opposition, because it was inconsistent with their ancient principles and their commercial purposes. It was owing to continued obstruction, no less than the reasonings which were used to justify it, that Atwood wrote the Board of trade, in December, 1701: “that he feared the government of Boston had complained of him for publicly exposing one of their clergy, who maintained that they were not bound in conscience to obey the laws of England, having no representatives there of their choosing.” In the height of his zeal, the judge of an obnoxious tribunal did not perceive, because he was vehement, the impropriety of entering into controversy with a minister, who only spoke the invariable language of the New English ecclesiastics, in pleading the dictates of conscience for their disobedience to the rules prescribed by the supreme power*.

R H O D E -

* We may learn from the following extract of a letter, written by the well-informed governor Nicolson, to the Board of trade, in August, 1698, how much the notion had been then disseminated, “that acts of parliament
“ did

ENJOYED, during the foregoing events, the benefits of peace without contributing to the expence of the war; and reaped the advantages of independence without feeling any of its burdens. Commissioners were appointed, without success, to administer the oaths for the execution of the acts of navigation to a governor, who, in his scruples to swear at all, found an excuse for his refusal. And encouragement was continually given to the fugitive, the smuggler, and the pirate, who enriched the colonists without affecting their morals. Repeated complaints “of their notorious practices” at length roused the attention of the Board of trade, who represented to their sovereign, in December, 1698: “that, as no oaths were taken by the magistrates, little justice could be expected from judicatories, which denied appeals to England as inconsistent with their charter; that, while the governor had neither received the royal approba-

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“tion,

“ did not extend to the colonies *by their proper vigour* :” “ I have observed
“ that a great many people in all these provinces and plantations, especially
“ in those under proprietaries, and the two others of Connecticut and Rhode-
“ island, think that no law of England ought to be in force and binding to
“ them without their own consent ; for they foolishly say, that they have no
“ representatives sent from themselves to the parliament : and they look up-
“ on all laws made in England, that put any restraint upon them, to be great
“ hardships.” We here see the genuine cause of the universal refractoriness
that prevailed in the colonies during the reign of William, and of the ob-
structions opposed to the execution of every act of parliament.

" tion, nor qualified himself by entering into those so-
 " lemn engagements which the late act of parliament re-
 " quired, he shewed himself unworthy of his station by
 " favouring pirates and illegal traffic; that, notwith-
 " standing the limited powers of the corporation, they
 " had not only granted commissions to privateers du-
 " ring the war, but now during peace opposed the court
 " of admiralty as inconsistent with their views." Ur-
 ged by considerations interesting to a commercial nation,
 that monarch granted to lord Bellomont a commission of
 inquiry, " that a remedy for those evils might be speedi-
 " ly applied." When Cranston, their self-elected ru-
 ler, heard of that appointment, he represented to the assem-
 bly, in order to rouse them to opposition; " that the
 " laws of England could be regarded as little better than
 " bondage and slavery." Directed by this information
 and by this sentiment, the legislature passed, in April,
 1700, " an act for enabling the governor to put in exe-
 " cution the statutes of trade;" supposing that, by their
 own energy, acts of parliament had here no authority:
 they at the same time promulgated " an act for putting
 " in force the laws of England in all cases where no
 " particular law of this colony hath provided a remedy."
 That nobleman endeavoured with his usual zeal to exe-
 cute a commission, which the colonists affected to con-
 sider " as a bountiful favour," while they threw every
 obstruction in the way of his inquiries. He at length
 represented however their various irregularities; shew-
 ing, that clamour had not been raised against them with-
 out a cause; that, in their general conduct, they little re-
 garded a charter which they had formerly surrendered.
 Suspecting probably that the report of the commissioner
 would

would be unfavourable to them, and, foreseeing a storm which in its course might overturn their power, the governor and council attempted to weaken its force, by giving a turn to what could not be evaded ; by promising amendment while in future they should submit to the king's commands with the obedience of children. Yet, judging from a course of action rather than from mere profession, the Board of trade warned them of a reformation, which was probably intended, by telling them " to beware of such shuffling in future, lest it turn to the " prejudice of the colony."

CONNECTICUT.

FREED from the obnoxious commission which had been imprudently given to the governor of New York to command her militia, the tranquillity of this colony was now only disturbed by contests with Rhode-island on the east and New York on the west, with regard to boundary. Having by her prudence obtained a favourable determination, she cultivated the arts of peace, without feeling the incumbrance of debts. Animated by her native principles, she encouraged illegal traffic and piracy, because they promoted her interest ; and she refused obedience to the courts of admiralty and denied appeals to England, since she deemed both contrary to her charter. Of Connecticut similar complaints were instituted in England as had been urged against the neighbouring settlements. When the governor and coun-

cil perceived the cloud gathering which burst in harmless noise on Rhode-island, they prudently hastened to offer security for their observance of the acts of navigation; for their exclusion of pirates. But their sincerity was distrusted by the Board of trade; who, in the independence of their future conduct, had continual cause to regret that charters had ever been given, which they saw daily abused without hope of remedy.

NEW YORK.

LORD Bellomont's prejudices did not allow him to reconcile the two parties which had distracted this province from the revolution till his arrival in 1698. As he seems to have brought with him more than usual animosity against his predecessor, he not only sent Fletcher under arrest to England, since he was with some reason suspected of a predilection for pirates, but, by suspending counsellors and changing officers, he almost overturned the government. He dissolved an assembly which did not suit his purpose, which when they proved refractory only fulfilled what might have been expected from his recent imprudence. And, having appointed proper sheriffs in the room of those who were attached to the late governor, they procured him suitable delegates. Composed of persons who warmly approved of the conduct of Leisler at the revolution, the representatives proceedings were governed by their spirit. In return for laws which cast obloquy on their political enemies, by reversing their transactions, they

they discharged the debts of the government ; they gave considerable presents to the chief ruler and his dependents ; and they established the public revenue during a farther term of six years. Having thus procured what was the great object of his wishes, he easily obtained their consent to what was the principal motive of his appointment : they passed a law for the punishment of privateers and pirates, which in some measure freed the province from disgraceful imputations. And they established a variety of laws of political œconomy, which do more honour to their good purposes than to their talents as legislators, since their acts were afterwards exploded by the Board of trade, “ as contradictory and un-
“ intelligible.” It is the characteristic of that nobleman’s administration, that his zeal proved too strong for his judgement. While he suppressed the pernicious practices of the smuggler and the pirate, he enforced the acts of navigation with the petty vigilance of a preventive officer. The merchants imagined they saw the ruin of their commerce in their observance of minute regulations, which were deemed intolerable, because they were unusual. They complained to the Board of trade, who, though they did not approve of lord Bellomont’s conduct in all things, could not censure his zealous execution of a system that had been too much relaxed by his profligate predecessor. And the traders applied to the commons for that relief which they thought the ministers had improperly denied to their prayers. But death freed that nobleman from the mortification of recal and the danger of impeachment. What must have been the distractions of a province, of which the governor could inform the Board of trade : “ that he was afraid to assume
“ the

“ the administration at Boston, lest the people should
“ go together by the ears, so great was their invetera-
“ cy.” Happy had it been for New York, had her rulers known that forbearance is the best remedy for such a disease.

In the absence of the lieutenant-governor, the contests of the counsellors, whether the supreme direction belonged to the president or to the council, added fuel to a consuming flame. The arrival of Nansan, who inherited the passions and adopted the policy of Bellomont, his kinsman, rather promoted the ferment, which a little moderation had allayed. The acts of the assembly, which in contradiction to his orders he called, deserve not to be remembered, since they were rejected by the Board of trade as unfit to be approved. The trial and condemnation of Bayard, a man in the first ranks of life, for treason, because, contrary to the words though not to the spirit of an imprudent act of Sloughter's assembly, he had promoted petitions to the king and parliament for a redress of grievances, has stained the annals of the province, while it offers a standing memorial to other judges, how they disgrace the judicial charter by adopting the furious spirit of Atwood.

NEW JERSEY.

DURING the reign of William, this colony can be said to have scarcely enjoyed the blessings of regular government.

government. Sensible of the defect of the proprietors powers, the people successively opposed the chief rulers, as they were swayed by interest, or friendship, or faction. The statute, which conferred the approbation of governors on the king, enfeebled an authority already weak, because, when the royal assent was withholden, the colonists made this circumstance an excuse for denying their obedience. And amid the universal confusion, which naturally ensued, the inhabitants snatched the opportunity that was offered them of carrying into acts of violence the original principles of their fathers. While those causes of wretchedness produced their natural effects, the prosperity of New Jersey was retarded by the interested conduct of New York, who, by denying to her merchants a port of entry, and by imposing customs on her commerce, exercised the superiority belonging to legislation. Nothing but the common dread of common punishment prevented the two provinces from deciding their disputes by force. New Jersey insisted in vain, that, since she had been long ruled by different governors, assemblies, and laws, she owed no obedience to any neighbouring legislature. And she claimed, without success, every privilege belonging to separate jurisdiction, as interest is generally too powerful for right. The Board of trade supported the pretensions of New York, because, under an act of her legislature, an income was collected from the exports of Jersey. It was on that occasion, when the real principles of taxation seem to have been unknown, at least disregarded in the scramble for pre-eminence and profit, that sir Creswell Levinz and sir John Hawles gave it as their opinion, that no taxes could be levied on the people of this province but by their own assembly or
by

by act of parliament. Invigorated by their judgement, the proprietaries appealed to the laws of England for that justice which seemed to have been denied them by power. And they derived, from a trial in Westminster-hall, the privilege of ports of entry, which had been refused by the ministers upon a mistake, the more inveterate, because it was founded in their desire of revenue. Thus were distinct custom-houses erected in the Jerseys; and thus were collectors of the parliamentary duties first regularly introduced into their jurisprudence by a contest which courted their presence. But the triumph of the proprietors necessarily weakened their power, because, during the controversy, their chartered immunities had been more narrowly inspected and found to have been always defective. Mankind seldom regard doubtful authority. In 1700, the provincials represented to William, what shewed at least their own wretchedness, "that there did not remain among them the shadow of "law or government": and they requested him to recal the political powers, of which the lords of the soil had shewn themselves, by their neglects, to have been unworthy. What was thus disagreeable to others, the rulers at length discovered "to have long been a very expensive feather to them, wherewith they were ready to "part." And having formally surrendered to the king a jurisdiction, obnoxious to the people and burdensome to themselves, a royal government was here established in 1702; as equally necessary for the protection of the individual and for the preservation of the country to the crown*.

PENN-

* The following anecdote may gratify a certain class of readers, because it contains a stroke in the history of England, during that interesting reign.

Morris,

P E N N S Y L V A N I A.

DURING the continued distractions in the Jerseys, Pennsylvania enjoyed singular prosperity ; for the promotion of which she seems not to been always regardful of the means. As she was accused of giving protection to the fugitive and pirate, of disregarding the acts of trade in her avidity for gain, William gave warning to Penn, in April, 1697, "to provide a remedy for abuses, the continuance of which he should consider as a forfeiture of his charter." With his wonted address, the proprietary endeavoured to explain what he could not deny. Urged no less by his suggestions than by their own interest, the assembly transmitted to that monarch in May, 1698, unsubstantial professions "of readiness to discourage illegal trade," and recriminations against Randolph, the surveyor-general of the customs, for his invectives against the province. Yet they not long after passed an act, which, under the plausible pretence of regulating abuses, was really designed to defeat the acts of

Morris, who negotiated the important business mentioned in the text, and lived to be the chief justice of New York, and the governor of New Jersey, wrote the Board of trade, in October, 1733 : "I remember, when I transacted the surrender of the charter of Jersey, the proprietors insisted that there should be a triennial assembly ; but Mr. Popple (the secretary) came from the then Board of trade, and desired that I would use my endeavours that they should not insist on that point ; for that the king, though he had (against his inclination) consented to an act of parliament of that nature in England, yet would never consent to it in the plantations."

of navigation. The Pennsylvanians regarded the court of admiralty "as more destructive than the ship-money," and therefore opposed it by every measure that interest and cunning could invent. At the same time that means were used to induce the grand jury to present its officers as enemies to the province, the judge of that obnoxious judicatory informed the ministers, "that his commission could be of no effect, while the government denied the force of acts of parliament." It required more than the abilities of Penn to defend his tenants and his officers against charges, so extremely offensive, and so vigorously urged. He attempted to blunt the force of accusation, by pleading before the Board of trade: "that their infancy and unskilfulness in point of law ought to induce their lordships to think them not so disobedient as mistaken and ignorant." Yet he lived to lament, that the men, for whom he now made that singular apology, under the mask of simplicity, concealed the deepest designs. To little purpose he pressed such topics on ministers, who were minutely informed, by irresistible evidence, of the affairs of Pennsylvania. And the Board represented to the lords justices, in August, 1699: "that though Markham, the deputy-governor, was not approved by the king, he had presumed to pass acts of assembly contrary to his instructions and to law; that the whole members of the Pennsylvanian government having set themselves in opposition to the court of admiralty, and persuaded the inhabitants to disobey its decrees, the bad disposition of that people, and the mismanagement of that administration, required a speedy remedy."

When

When Penn returned to his province in 1699, he beheld with astonishment the progress it had made during the fifteen years of his absence; owing, as he assured the ministers of England, "not to unlawful trade, or piracy, "but to honest labour and sobriety." He was soon reduced to the sad dilemma of either offending his sovereign or of disobliging his tenants. Afraid of the powerful enmity of the Board of trade, he however displaced those who were most obnoxious for their opposition to the court of admiralty: he procured a law against pirates: and his apparent zeal induced those who had lately complained to confess, "that he had made a great change, "by discountenancing former proceedings and giving encouragement to the officers of the customs." The assembly too endeavoured by arts, that imposed on no one in England, to vindicate their constituents from imputations, which, though exaggerated, were yet true, because general professions, when opposed by contradictory conduct, seldom procure conviction. But they soon convinced their sagacious ruler, that, unless he gratified them in all things, they would neither pity his misfortunes nor relieve distresses, which, owing to the settlement of Pennsylvania, had been incurred by giving happiness to others. That conduct which had gained him the approbation of his sovereign, Penn was therefore obliged to alter. He restored obnoxious officers; he refused to obey the royal order for sending pirates to England, since there was now a legal mode of trial in the province; he obstructed the proceedings of the courts of admiralty, pretending that it absorbed all jurisdiction. And unanimity was now restored in the legislature, where
it

it was equally necessary to both parties. The delegates granted him two thousand pounds, and a small revenue for support of his œconomical administration. He in return confirmed the lands of the freeholders : He consented to a variety of laws, which, though pleasing to the people, were afterwards rejected by the Board of trade, because they were complained of as contrary to national interests. And, during the same moment that he heard of measures having been adopted by parliament for the resumption of all charter governments, he established that constitution for Pennsylvania, which has continued to the present times and has entailed celebrity on his name ; though it deprived his family of influence and the crown of its rights. It is a remarkable fact in the Pennsylvanian history, that, of the various grants of privileges hitherto conferred by Penn on his followers, none had been presented for the royal approbation, which his patent required as essential to the validity of every law, though those charters of immunities formed fundamental laws.

The utmost art of the proprietary had been tried in vain to reconcile men whose disputes with regard to interest were heightened by religious differences. The province and the lower counties on Delaware, though united from his first arrival in 1682, separated, when the late charters were granted in October, 1701, with dispositions never to meet again. And to England the delegates of the Delaware colony sent a zealous agent to represent their wrongs. He complained to ministers, who were predisposed to favour his cause : “ that, though
“ their country was an advanced frontier and had been
“ plundered by pirates, they had often applied to Penn
“ for the means of defence without effect ; that, though
“ for

“ for eighteen years he had exercised over them every act
 “ of jurisdiction, he could shew no charter from the
 “ crown:” and Quarry begged that his constituents might
 be received under the royal government, in order that
 they might enjoy in future the royal protection. The
 proprietary employed his great talents, without effect,
 to remove the impressions which those various complaints
 had made. And the Board of trade hesitated to recom-
 mend for the royal assent the laws lately passed in his
 province, lest this circumstance should be regarded as an
 acknowledgment of an authority which seemed not to
 belong to him. Yet, with the inconsistency so remarka-
 ble in the colonial administration of England, Penn and
 his posterity have been allowed to govern the Delaware
 colony, though the inconvenience of the chartered forms
 was complained of in every reign. It was thought suf-
 ficient to oblige them, when they asked the king’s ap-
 probation of their future governors, to declare that this
 circumstance should not be considered as a confirmation
 of their title. During an unguarded moment, that able
 politician confessed to the Board of trade, when pressed
 by their objections, “ that, had James II. remained two
 “ days longer at Whitehall, he had obtained a grant under
 “ the great seal for the three counties on Delaware.”
 Penn seems never to have forgiven king William, be-
 cause even petty disappointments are seldom forgotten.

MARYLAND and VIRGINIA

SULLENLY submitted to the regulations of England; to the establishment of the courts of admiralty; because they were said to have been somewhat infected "with the malignant humour of the proprietary governments." Yet they remained quiet, because, having granted a standing income for the support of the civil establishments when they were influenced by zeal, subjects for disputation were removed. The fair trader and the national revenue had long equally suffered from the exportation of unpacked tobacco; and no arguments had been sufficient to persuade the assemblies to abrogate a practice, which, though it depreciated their staple, was pleasing to the people. Continued complaints urged the parliament, during the year 1700, to prohibit a mode of traffic, at once favoured and pernicious, under the penalty of forfeiture. Thus, what had been denied by former assemblies to the commands of the stern James, to the requisitions of the beloved Mary, was now granted by the supreme legislature to the policy of William*.

CAROLINA.

MEANTIME the salutary measures of the proprietors had promoted internal quiet, though they did

* 10 & 11 William III. ch. 21.

not gain the submission of colonists, whose confidence they seem to have never enjoyed. Jealousy rather than any real difference continued to incite opposition. In vain the chief rulers, ever attached to the national authority, since their own power was involved in its stability, gave instructions to their attorney-general "to prosecute breaches of the acts of navigation; to prevent the king from being defrauded of his customs." The efforts of their prosecutor proved feeble when opposed to the spirit of a people. And reiterated complaints were made to the ministers "of encouragement to illicit trade, of opposition to the officers of the revenue and the admiralty." Urged by the temper of their constituents the assemblies enacted laws, which, while they enervated the commercial system of the mother-country, promoted the interests of those who gained from its debility. The colonial judicatories denied appeals to England, insisting, "that neither law nor precedent could be shewn in their favour." Of those various practices the Board of trade warned the proprietaries, in a spirit which was at length derided, as their threats had never been executed, "that any wilful neglect would be considered as a forfeiture of their patent." Roused by warnings which so nearly concerned them, they remonstrated with the governor and council against that conduct of the province which had given such just offence, assuring them, in determined language: "that as they had transmitted several acts of assembly, which made bold with the laws of England, they could not approve of what interfered with the statute and common laws of the realm."

THE COLONIES.

THE foregoing events at length attracted the attention of the ministers, of the king, and the parliament. Perceiving the irregularities of the chartered colonies to have increased in proportion to the length of their continuance, the Board of trade thought it their duty to represent to William, in March, 1701: “ that, far from
“ having answered the chief design for which such
“ large immunities have been granted, they had not in
“ general complied with the late act of parliament:
“ that they had not only assumed the power of making
“ bye-laws, repugnant to the laws of England and de-
“ structive to trade, but they refused to transmit their
“ acts, or to allow appeals; and continued to be the
“ retreat of pirates and illegal traders, and the recepta-
“ cle of contraband merchandise: that, by exempting
“ their inhabitants from the customs paid by other plan-
“ tations, these independent governments undermined
“ the welfare of their neighbours, and by lowering the
“ value of coins turned the course of trade to the pro-
“ moting of woollen and other manufactures proper
“ for England, contrary to the true intention of such
“ establishments: that these irregularities, arising from
“ the ill use they make of their charters, and the inde-
“ pendency they pretend to, evince how necessary it be-
“ comes more and more every day to introduce such a
“ regulation of trade and such an administration of go-
“ vernment

“vernment as shall make them duly subservient to
 “England: that, since the royal commands had not met
 “with due obedience, it might be expedient to resume
 “their charters, and to reduce them to the same depen-
 “dency as other colonies, which will be best effected by
 “the legislative power of this kingdom.” And, with
 this wise design, a bill was not long after introduced into
 the house of lords. General in its provisions, and lia-
 ble therefore to few objections, it declared void the pow-
 ers formerly granted; it authorised the king to rule the
 inhabitants by the same forms as in the royal governments,
 preserving to the individual his private rights. It was
 opposed however with the vehemence of men, urged by
 interest, and contending for independence. Before the
 peers was laid the immense collection of documents,
 which had evinced to others the inconvenience of the
 chartered systems and the importance of removing them.
 Yet, owing to the distraction of a contentious session, filled
 with impeachments, that salutary bill was delayed rather
 than rejected. A similar representation was delivered by the
 Board to the commons; stating the same facts in stronger
 language, and pressing the necessity of an annexation of
 those “independent governments” to the crown in still
 more vigorous terms. The real motives of the com-
 missioners of colonies, whose reports deserve the greatest
 credit, since the state-papers which convinced them re-
 main for the inspection of posterity, appear from what
 they wrote to lord Bellomont, in April, 1701: “that
 “the denial of appeals is a humour, which prevails so
 “much in proprietary and charter plantations, and the
 “independency they thirst after is now so notorious,
 “that it had been thought fit those considerations and

“ other objections should be laid before the parliament.” And they requested farther information on this interesting subject, because the measure which had been only deferred would probably soon be resumed.

From projects of policy the attention of every one was not long after drawn to considerations of defence. The thick cloud which settled over Europe, as the Spanish king's health declined, alarmed English statesmen in proportion as they feared for their country from its baneful effects when it should burst. Upon looking into the transatlantic territories, they found a coast of a thousand miles extent, indented every where by navigable rivers, unprotected by any real fortifications, and inhabited by a divided people; who, though they saw the approaching danger, seemed either unable or unwilling to defend themselves by common measures, because each only felt for himself. In this anxious moment, the assemblies made separate applications to England for her accustomed support. But on that occasion was given to William an advice, which was dictated by recent experience; “ that, besides the assistance that he might be pleased to “ give them, it was necessary that the inhabitants should “ on their part contribute to their mutual security.” New York being still regarded as an advanced frontier, which gave security to the southern settlements, all were again required to furnish special quotas of aid, because, though she was weak, they derived a benefit from her efforts. Money was sent from the treasury to secure her borders from the attacks of Canada. And presents of unusual value were transmitted to the five confederated tribes, her allies, in order to regain and preserve that confidence, which, since the peace of Ryswick, had been
lost

lost by inattention. Those sagacious woodsmen received the welcome gratuities with their usual avidity; pretending to cede their country to the crown, that it might be protected for their use from the encroachments of France: but they asked with a look, which pierced the beholders, “if they could be supposed such fools as to expect effectual protection from a king, who was unable to repair his castles, or even to clothe his warriors?” Thus, regardful only of themselves, we discover the motive of their cautious conduct during the war that ensued, partly in their dread of the French, but more in their contempt of the English.

As danger seemed now to draw near, the several assemblies thought it prudent to lay before their sovereign their own inabilities, the little defence they could expect from the situation or the efforts of New York, exposed as they were to ravages of privateers from the sea and to incursions of savages by land. Yet their representations were deemed insufficient in England, because they were regarded either as unfounded or insincere. Urged by recent experience, the Board of trade not only represented to their warlike sovereign, in January, 1702, the defenceless state of the plantations, and the irregularities of their traffic, but they insisted: “that while Massachusetts shewed her unwillingness to comply with late requests, either for her own defence or for the assistance of others, alleging her weakness and the inutility of the object, she asked farther supplies and larger ships of war: that the other settlements had in the same manner denied the requested aid to New York, without assigning satisfactory reasons: that since the chartered colonies refused obedience to late requisitions, and continued

“ the retreat of pirates and of smugglers, the national interest required that such independent administrations should be placed, by the legislative power of this kingdom, in the same state of dependence as the royal governments.” That monarch lamented the disobedience and distraction that he could not prevent or punish. And as he retired from a storm, the approach of which he beheld with regret, because he perceived that he should not live to direct its course from his kingdoms, he desired the Board to inform him: “ what he might do of himself for the defence of his plantations; what might be proper to be laid before the parliament.”

In the colonial administration of William III. we see the attachment to prerogative of James I. and his son, the bustle of the Protector, the contrariety of Charles II. and the arbitrariness of the banished king. By denying to the colonists the liberty of the press, after it had thrown off its shackles in England, he deprived them of freedom of mind; by refusing them the writ of habeas corpus, he withheld the strongest fence of personal freedom: yet, informed at length of the oppressions of his representatives, he procured a law, inflicting punishment on their delinquencies. When, contrary to the declaration of rights, he invaded the provincial charters, he forgot the conditions on which he had accepted the crown; yet when the injured applied for redress he generally restored what through misadvice had been illegally taken away. The royal government of Pennsylvania during a part of his reign, and of Maryland during the whole, can be regarded only as an usurpation, since it was established by an act of power in opposition to law. Having by improper influence granted to Massachusetts a patent of privileges,

vilages, which he lived to see grossly abused, he endeavoured laudably, by an act of the legislature, to abrogate territorial systems that had led the provincials by an easy progress "to thirst after independence." Let no personal imputations be however thrown on William, or the ministers who advised him: like other kings and other statesmen they ruled the plantations according to the experience of the age, prompted perhaps by their mixed educations and carried away by the prejudices of their younger days. But the result was disadvantageous to England. While the revolution asserted the right of parliament to legislate for every dominion of the crown, the principles which had been propagated to produce that momentous event, the insurrections which had been countenanced in those territories to give it effect, really enfeebled parliamentary power, though, during the present reign, the supreme legislature had enacted laws to bind them in all cases whatsoever*.

ANNE.

* The state-papers demonstrate, that the most renowned jurists of the reign of William had formed no complete conception of the nature of the connexive principle between the parent-country and her colonies; of the extent of the royal prerogative, as applied to the government of each, while the jurisdiction of parliament was by all admitted to be co-extensive with the boundaries of the empire. Contrary to the declaration of rights, the chief justice Holt advised his sovereign to assume the government of Maryland, *on a supposed necessity, without any form of law*: [See his letter to the president of the council in the Maryland Pap. Plant. Off.] with whom however afterwards concurred Sir Edward Northey and Sir Simon Harcourt. Sir Thomas Trevor doubted how far the Marylanders were entitled to the benefit of the great-charter. The most respectable cabinet which that monarch ever enjoyed,

joyed,

ANNE.

UNDER the parliamentary settlement which had conferred on William his power, Anne succeeded to the crown of England in March 1702, and to the government of the various dominions belonging to it.

Orders

joyed, composed of lord Somers, lord Pembroke, lord Shrewsbury, lord Bridgewater, lord Romney, lord Godolphin, and Sir William Trumbull, denied to the New English the privilege of the writ of habeas corpus, because "it had never been conferred on the colonists by any king of England;" plainly supposing, that the most important of all rights, the best security of personal liberty, must result from a grant of the crown to a subject beyond the ocean. [See their Report Rec. in Plant. Off. N. Eng. 4 v. p. 200.] Mr. Locke, with other philosophers, solemnly advised that prince to appoint a captain-general over the colonies, with dictatorial power to levy and command an army without their own consent, or even the approbation of parliament. These singular anecdotes seem to shew, that those illustrious statesmen had not sufficiently considered that important subject, as it had not then engaged public discussion. We may learn the opinion of the popular politicians of those days, from what D'Avenant gravely remarked in his discourse on the plantation-trade: "We shall not determine whether the people of those settlements have a right to all the privileges of English subjects; but the contrary notion is perhaps too much entertained and practised in places which happen to be distant from St. Stephen's chapel: upon which account it will peradventure be a great security and encouragement to those industrious people, if a declaratory law were made, that Englishmen have a right to all the laws of England, while they remain in countries subject to the dominion of this kingdom." D'Avenant was one of that class of writers, who in every age have recommended regulations to the legislature without understanding the law, and without reading their acts have censured the proceedings of parliament. Molloy wrote modestly on the jurisprudence of his country, because he was really learned. Having clearly shewn "that none are aliens who are born within the ligeance and obedience of the king,"

Orders were immediately dispatched to the colonies to proclaim an event, so interesting to subjects, whose allegiance was again transferred by an act of parliament, wherein their consent was then supposed to be included. All submitted, without objection, to an authority that was by all allowed to be just. Yet the assembly of Maryland alone passed an act, recognizing her title, which, though regarded as an instance of attachment, was rejected by the queen, because she was told, that, while it seemed to respect the law which had placed her on the throne, it really impugned parliamentary jurisdiction.

When the ministers, in their vigorous preparations for hostility, recollected the deplorable weakness of the plantations, they deliberated how to defend them. At the same time that they ordered the governors to proclaim war against France, they directed the assemblies, in the futile spirit of the late reign, "to build fortifications, and to aid one another." With the warlike attention of William, arms were continually placed in the hands of colonists, whose inability to furnish themselves was equal to their want of inclination to use them; whose delegates however returned their thanks for repeated favours, while they denied the requisitions of her who conferred them. And frigates were stationed on their coasts, and convoys were given to their commerce, because

"king," he thence justly inferred; "so those that are born at this day [1682] in Virginia, New England, or any other of his majesty's plantations, are natural-born subjects." [de Jur. Marit. b. 3. ch. 2.] Hence we may perceive, that the clause of all the colonial charters, stipulating "that the emigrants should still be considered as subjects, whose children should be entitled to the rights of Englishmen," had been inserted by the abundant caution of lawyers, since that stipulation was implied by law.

because England derived a benefit from the security of of both. They were warned of "the mischiefs of their trading and corresponding with the French during the last war, and commanded to avoid similar practices in the present." Experience shewed the impolicy of making requests or of issuing prohibitions when the crimes of delinquents could be only deplored.

Having thus endeavoured to give safety to the colonies, the attention of the ministers was not long after turned to their regulation. Terrified probably at the vast collection of papers, which had been brought into their house two years before, the lords directed the Board of trade, in November, 1702, "to lay before them an abstract of the chief abuses of the charter-colonies, and to offer proper remedies." In return the Board put them in remembrance of what they had already so often communicated, and gave them the additional intelligence which recent solicitation had gained. Yet former objections rather than more interesting engagements prevented the peers from giving the sanction of the legislature to a resumption of improvident powers, the necessity of which became daily more apparent to the wise.

The colonial administration of William, contradictory in principle and inconsiderate in conduct, had necessarily weakened the jurisdiction of England over her plantations. Laws that are disobeyed with impunity shake the power of the legislature whence they proceed: imprudent exertions of prerogative lessen its just authority. And the embarrassments of the late reign, proceeding as much from the neglects of England as from the habits of the planters and the forms of their government, naturally descended with additional perplexities to the present.

sent. Experience soon discovered what sagacity had already inferred from facts. When Dudley assumed the government of Massachusetts, in 1702, he found what had already engaged the reprehension of Belknap, his predecessor, "that even many of the counsellors were commonwealthsmen:" and he informed lord Nottingham, the secretary of state, in December, 1703; "that he had communicated the queen's requisitions to the assembly, but though he used all possible methods he found it impossible to move that sort of men, who love not the crown and government of England to any manner of obedience." Had a key been wanting to open what seemed thus to be locked up in mystery, at least from common observers, the ministers received an explanatory instrument from various officers, when they were not long after told: "that the people are of an ungovernable spirit, and notwithstanding their pretences are against monarchical government." Mompesson, the chief justice of New York, who has been praised for talents as well as integrity, wrote to lord Nottingham, in July, 1704: "that antimonarchical principles and malice to the church of England daily increase in all those places, where the magistrates encourage them, which is done in most proprietary governments, not omitting Boston; and, to my own knowledge, some of their leading-men already begin to talk of shaking off their subjection to the crown of England." The religion, the manners, the politics, of the New English; all proceeding from the native principles of the heart appeared in a striking light to strangers, who, long used to a different people, of dissimilar maxims, saw with astonishment present effects, while they thought it
their

their duty to give warning to the rulers of their country of future consequences. Colonel King, the intelligent commander of the artillery in the famous expedition to Canada, wrote from Boston to secretary St. John, in July, 1711: "that, till all their charters are resumed by the crown, or taken away by act of parliament, and they are settled under one government; all these colonies will grow every day more stiff and disobedient, more burdensome than advantageous to Great-Britain."

During the preceding reign, the notions of New York had been perverted by the New English, while her repose was disturbed by their intrigues. In the present the same motives continued to inspire a similar conduct, the effects of which may be now traced in public proceedings, and was then deplored by those who were intrusted with command. Broughton, the attorney-general, wrote to the Board of trade, in June, 1704: "that there are some republican spirits among us; some that retain the leaven of the late factions; and even the assembly have shewn a touch thereof in their disputes during this session." While governor Hunter felt the anguish of hope deferred, he lamented to the Board, in July, 1715: "this I confidently affirm, that all the opposition and vexation I have met with in New York and New Jersey have been in a great measure owing to those who came to us from New England; but whether this be a true sample of the great body of the people there, or only a set of restless men, who can be easy no where, I cannot determine."

Infected by "the malignant humour of the charter-colonies," Virginia departed at the revolution from
that

that adherence to her ancient loyalty, and from that veneration for the constitution of England, which had gained her just renown. Her adopted tenets produced, by an easy operation, consequences which soon assumed a singular appearance. A few considerable families attempted to engross all authority; to place the chief command in an aristocracy. From the constitution of this province, the twelve counsellors enjoyed almost every power: without their consent the governor could perform no official act; they possessed an essential vote in the making of laws; they executed the whole judicial authority, as judges of the supreme court, wherein the first magistrate only presided; and they stood at the head of the militia as lieutenants of the counties. Perfectly informed of their affairs, the Board of trade perceived the danger of their overgrown influence, and wisely endeavoured to lessen what seemed already beyond controul: they complained to the commons of the difficulty of procuring justice from magistrates who were considerably indebted to English merchants; they instructed the governor "to allow no counsellor to act as a naval officer." But Nicolson found that reformation is every where a dangerous operation. Six counsellors, directed by Blair, the bishop of London's factious commissary, easily procured his recal, because he had acted imprudently, if not corruptly. They attempted to gain from his successor permission to execute offices contrary to his instructions. And Quarry, the attentive surveyor-general of the customs, was induced from what he saw to inform the Board of trade, in September, 1706: "that
" some want to invest the council with the sole govern-
" ment; and therefore endeavour to lessen the preroga-
" tive,

“tive, which is now almost attained.” Animated by intelligence that only confirmed what they already knew, the Board wrote in March, 1707, to the president and council, in language which shewed the opinion and conduct of both parties: “that the act of assembly establishing the general court would not pass, because there was no saving of the undoubted right of the crown to receive appeals; that the late governor Nott was right to give his dissent to the act for county-courts, because it attempted to take away the governor’s undoubted power of appointing justices, without the consent of five of themselves.” When Spotswood, whose talents qualified him to rule a kingdom, acquired the unpleasant pre-eminence, in 1710, he instantly discovered “that it was necessary to have a balance on the bench and at the Board.” Sad experience at length constrained him to warn the ministers of England: “that a party was so encouraged by their success in removing former governors, that they are resolved no one shall sit easy who doth not entirely submit to their dictates; this is the case at present, and will continue, unless a stop is put to their growing power, to whom not any one particular governor, but government itself, is equally disagreeable.”

Having thus found the ruling passion of each, it will be easy to trace, in the various colonies, the motive of their future conduct.

The facility of subsistence, the forms of government, the modes of life; all had contributed with other causes to add considerable numbers to colonial population during the preceding reign. The rapidity of increase induced D’Avenant to remark: “that it is matter of astonishment,

“nishment how in so few years such a number of men
 “should be got together in a country for the most part
 “wild and uncultivated.” And to the general aggregate of inhabitants had probably been added one half during the short period from the revolution to the accession of Anne. Though their commerce was still inconsiderable, it had increased in proportion to the gradual augmentations of the people, and of their power to gratify their wants. The value of the annual exports to the continental colonies, on an average of the three last years of William, amounted only to 320,662*l.*; of the imports from them to 320,016*l.*: and the unimportant result could have imparted during his reign no great energy to the exertions of the manufacturer, or to the enterprizes of the sailor. The traffic, which, partly in opposition to the acts of navigation, the colonists carried on to the European ports, to the Western islands, and to the West Indies, must have been nearly equal to the extent of their direct trade with England. And we may infer that the general balance of a commerce, illicit yet equitable, must have been extremely gainful, since they had acquired a considerable quantity of foreign silver coin, before they had yet issued paper bills, at least to any inconvenient amount*.

From the distinctness of jurisdiction, and the dissimilarity of modes, circulation met with great obstructions

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* Owing to the illicit practices formerly complained of by D'Avenant, and now mentioned in the text, the taxes, which had acquired the technical denomination of “*plantation-duties granted by 25 Charles II.*” did not yield, from 1688 to 1698, more than the expences of management. But, according to an average of the four last years of King William, that revenue brought nett into the exchequer 1199*l.*

towards the beginning of the reign of Anne. To this commercial grievance her ministers immediately turned their attention. In November, 1703, the Board of trade represented to that princess, how much the traffic of the plantations was embarrassed by the difference of denomination at which the dollar was received in the different provinces; at four shillings and sixpence each in Maryland, at seven shillings in Pennsylvania, at six shillings in Massachusetts: and they advised the queen to declare that the piece of eight should pass every where at six shillings, since the officers of the mint had found that rate to be its true relative value. A proclamation was transmitted thither in the subsequent year, in prosecution of an advice, which Sir Edward Northey had declared to be legal, and which was now adopted as salutary. But this just exertion of prerogative did not meet with obedience at a time that acts of the legislature were derided and opposed. In New York the governor and council formally suspended the proclamation, because it had been wholly disregarded in the chartered colonies. When the Board asked the same great lawyer in October, 1705, whether that which he had lately advised as constitutional ought to be superseded or enforced, he gave it as his opinion, "that the complaints in those settlements cannot be cured but by an act of parliament." Yet it was not till June, 1707, that they recommended this measure to their sovereign, as "her proclamation had been published in New England with no effect, since silver coins now pass higher than ever." And in the subsequent year was enacted the law *, "for ascertaining
" the

* 6 Anne, ch. 30.

“ the rates of foreign coins ;” reciting the bad practice of drawing money from one province to another ; and enforcing the royal declaration by fine and imprisonment. Here is the origin of what is properly denominated the legal currency of the colonies.

That prudent act of parliament was at first in the same manner opposed and afterwards neglected, because it could not be executed among a people, whose courts of justice did not regard it as an indispensable rule. In New York, in Pennsylvania, and in other provinces, their assemblies passed acts to elude its operation by explaining it, which however were disallowed by the queen, as she was told “ they were of dangerous consequence.” In Massachusetts it was disregarded, since it clashed at once with her principles and her profit. Cranston, who by the choice of the colonists ruled Rhode-island, formally superseded its execution : what a spectacle, to behold the petty governor of a petty corporation suspending an act of the supreme legislature ! doing that with impunity, for which the greatest minister of a jealous nation had probably lost his head ! In vain the Board of trade issued commands and threats, since the most powerful passions of the human heart rose up against both.

Influenced by the same motives, the parliament deliberated long, with regard to the affairs of the colonies, during the session of 1704 : granting to their commerce, with the same hand, regulation and encouragement. While the acts of navigation were enforced by new explanations and additional penalties, they were extended to other objects ; to the melasses of the West Indies, and

the rice of Carolina, which could not in future be thence exported to foreign countries*: and the commercial system of England was relaxed, in order to give a benefit to Ireland, by permitting Irish linen to be sent directly to the plantations. Having remarked, "that the colonies had been first settled, and were still maintained, at a great national expence, and ought therefore to be made more useful to the state," the parliament conferred a variety of bounties on the importation of naval stores of their growth; with design that the royal navy might be more amply provided, and the settlements enabled to make more punctual returns. The commons of 1621 originally adopted the policy of giving special immunities to the products of the colonies, because they deemed those transatlantic settlements dominions of the crown, in opposition to those of foreign nations. The present however first appropriated a part of the national income as an incitement to colonial diligence. Yet it has been doubted by the ablest politicians, whether bounties are not in themselves impolitic, since they give the current of commerce an unnatural direction, which never fails to spread mischief as it overflows. The New English regarded those rewards as peculiarly beneficial to them. The other plantations found them equally advantageous, because it is of the greatest importance to a people, indolent and poor, to give a spring to their ardour. And here is the origin of bounties in the American trade. We may judge of their beneficial effects from

* 3 & 4 Anne ch. 5, 8, 10.

6 Anne ch. 30, 37.

8 Anne ch. 13.

from the prodigious importations * that immediately followed; from the premiums which were paid by the navy-board, who were properly invested with the privilege of pre-emption, on naval stores imported from the year 1713 to 1717, inclusive, amounting to 90,541*l*.

The same law, which had thus conferred a bounty, prohibited the destruction of such pine-trees as did not grow within any inclosure in New England, New York, and New Jersey; in order that the navy, which was to protect the whole, might be at all times supplied with masts. It was a laudable attention of William, that, when he granted the charter of Massachusetts, he had reserved to himself unappropriated trees with the same salutary views. During the foregoing reign, that colony had disregarded the prudent proviso of the patent, since there was no law to enforce it. In the present, the local legislature refused to supply the supposed deficiency, though New Hampshire had shewn her a proper example, by prescribing an additional rule; though the Board of trade had gravely represented, "how much the assertion of the assembly, that the clause of the charter was not binding on them, is groundless; for, if the charter is a law to the queen as to their rights, it is as much a law to the inhabitants as to her prerogative." The act of parliament, which had thus arisen from this singular controversy, was either disregarded or eluded. Bridger, the

U 3

surveyor-

* Exclusive of other naval stores, there were imported into England, in consequence of the bounties, during the year

1707 — 9266 barrels of pitch and tar.

8 — 6089 ditto.

9 — 7098 ditto.

surveyor-general of the woods, complained, in July, 1709; "that he could not get a judgement against the people for cutting trees." When the peers were informed of a conduct, equally inconsistent with the interest and jurisdiction of England, they directed the Board of trade to draw a bill, which, in 1710, was passed into the act of parliament*, "for preserving white pine-trees;" by imposing a forfeiture of one hundred pounds on him who should destroy such a tree, unless it were his property. The motive of that attentive body may be seen in what the Board wrote to Dudley, in January, 1710: "that, upon the refusal of Massachusetts to pass a law for the preservation of masts, they had proposed an act of parliament here." It was only the few who remarked, that it was idle and impolitic to impose penalties, the recovery of which was opposed by the forms of government, by the principles and interest of the people. Owing to those causes, that law proved as inefficacious as the former. And Bridger informed the secretary of state, in May, 1711, "of the great destruction of the woods, though he had presented many trespassers; because her majesty can never hope for justice, where the judges and juries are parties, who plead their charter."

N E W H A M P S H I R E.

THAT policy of the late reign, which had been practised without success, of appointing one person to govern

* 9 Anne, ch. 17.

govern several settlements, was continued in the present. It was not distinctly perceived, that he, who was unable to manage one assembly, would be still less able to direct a greater number. And Dudley, a native of New England, who, by virtue of an illegal commission of James II. had ruled his country, was appointed governor of Massachusetts and New Hampshire, as well as commander in chief of the militia of Rhode-island. That new ruler was received with cold civility by his countrymen, because the opposition to his appointment had failed. Having determined to reside at Boston, the metropolis of the most powerful colony, he adopted a mode of administration for New Hampshire, which promoted his profit without disturbing his ease; which, at a trivial expence, ensured the peace of a people, who were represented "as of an ungovernable spirit, since they hated monarchical power." In the principal Independents, who, with the aid of the clergy, swayed with unbounded influence this inconsiderable province, he placed all power: as he allowed them to govern themselves, they procured for him in return a salary of one hundred and fifty pounds a year. Pleased with these flattering attentions, the assembly thanked the queen for sending Dudley to rule them: they enacted laws, and established a larger revenue than any former governor had ever obtained, because themselves were to execute the one and to distribute the other. As private enjoyment had long been disturbed by Allen, who claimed the soil as general owner, they passed an act for confirming titles to land, which however was disallowed in England, since "there was no saving of prior rights." The royal dissent was no sooner announced in the colony, than dissatisfaction easily incited tumult among a genera-

tion who regarded resistance as part of their religion : but, though twenty were prosecuted, "the jury would find "none guilty," as the judges, by enjoying their possessions under the same tenure, derived a benefit from their outrage. While England gave encouragement to the colonial manufacture of naval stores, the assembly counteracted a policy, which had their own good for its end : and to lord Godolphin complaint was made by Taylor, an English merchant, "that he had been "charged in New Hampshire larger duties on the exportation of masts than the colonists pay on the same." The illicit traffic, which had been practised during the late reign, was continued in the present, because "it "was difficult to procure judgements in crown-causes, "since the judges are ignorant, and the juries stubborn." Yet the queen sent supplies of warlike stores to enable them to comply with her requisitions, "by exerting "themselves for their own preservation." Though the assembly seems to have granted as much as a petty people, unaccustomed to taxes, could pay, it was found impossible to defend them from the sudden incursions of a savage enemy, so unexpected in his onset, so barbarous in his retreat. New Hampshire was represented by the Board of trade to the queen, in November, 1708, "as reduced to great distress, and so poor as to be unable to raise two hundred pounds for building a fort "at Newcastle." And to the prayers of the assembly, and to the recommendations of the Board, a considerable number of arms was given, though the officers of the ordnance insisted, that no money had been granted by parliament for a purpose which had never been submitted

ted to their judgement. Thus weakness and obstinacy went always together.

MASSACHUSETTS.

PERFECTLY acquainted with the character of his countrymen, Dudley threw much of the policy, by which he ruled New Hampshire, into his administration of the greater province, though he supported indeed the prerogative of the queen and the authority of England with becoming firmness, because his own principles were high. Foreseeing in European disputes the danger of Indian warfare he had scarcely arrived when he visited the eastern frontiers, attended by a committee of assembly that they might see the necessity of future requisitions. The tribes promised the continuance of peace, because they had not yet received their lessons from France. It was soon perceived that New England of all the colonies was doomed to sustain the weight of the war. Sensible of the weakness of Canada, the French seemed willing to accept of a neutrality for America, though she was, at that epoch of her greatness, too proud to ask what the English shewed no disposition to grant. Yet, from the pacific disposition of a more dreaded enemy, the Canadians obtained what was of the greatest importance to them, the inactivity of the five confederated tribes, who despised the one nation as much as they feared the other. And it was the dread of offending those powerful hords which preserved New York and the southern settlements from the horrors

horrors of Indian incursions, while Massachusetts and New Hampshire waged unequal hostility with the eastern tribes, who were aided by Acadie and impelled by revenge.

As Dudley looked to England for support, he shewed no great inclination to please the assembly which he first convened. He rejected five counsellors who had been chosen by the delegates, because "the best men were not elected, but persons of less affection to the strict dependence of these governments on the crown." In return they complied with none of his desires: they neither granted a standing maintainance, nor consented to rebuild Pemaquid, though they in some measure enabled him to put the province in a state of defence by a donation of six thousand pounds. Urged by the governor's information, the queen sent him directions, in April, 1703, to acquaint the assembly, "that, in consideration of the privileges they enjoyed, she expected they would establish for him a salary, or, in case of refusal, she should be obliged to have recourse to such measures as might be effectual;" to rebuild the fortification so essential to the security of their frontiers, for which she would send them cannons. But, while their ancient principles continued to influence their conduct, he communicated the queen's requisitions, no less just than salutary, to little purpose. The delegates had finally resolved to grant no permanent revenue, though they were disposed to give him presents, yearly yet trivial. And it was the passion of the times to choose such representatives as promised never to rebuild Pemaquid. Yet they wisely provided for the fortification of the harbour of Boston, because they perceived their own safety to be involved in its security.

city. In the height of his disappointment, he wrote the Board of trade, in September, 1703: "that till the
" queen appoints the council the best men can have no
" share in the government; till then nothing will go
" well." But this representation, which had arisen
no less from his experience than his feelings, drew such
an answer from his correspondents as shews what impres-
sion the firmness of the delegates had made; "that her
" majesty had so often written, with regard to his salary,
" without effect, that nothing more could at present be
" done." Happy had it been for England, had this pru-
dent resolution been at all times adhered to; because no-
thing is more injurious to real authority than to press
requisitions, which, having been often denied, are at
length despised!

Though the eastern tribes had accepted the presents of
Dudley with their wonted avidity, they commenced hos-
tilities, in conjunction with the French, in 1703. The
barbarity of their incursions could only terrify and ruin
the adjacent provinces, which their utmost efforts were un-
able to conquer. The fears of the planters having commu-
nicated the same impression of danger to their delegates,
they by liberal supplies enabled the governor not only to
defend the frontiers but to retaliate on the enemy. They
incited revenge by calling in the aid of avarice; giving
great rewards to him who should destroy an Indian, whom
they regarded as a savage rather than a man. Trial dis-
covered what it was of great importance for all to know,
that the New English, animated by such motives, "could
" in their excursions sustain cold and hunger as well as
" their adversaries, enured from their infancy to bear
" fatigue and famine." As however no great impression
had

had been made on an enemy, whom it was so difficult as well as dangerous to pursue into their fastnesses, a considerable armament was sent under Church to range along the Acadian coast, and to destroy the French settlements, since they had felt the unhappy influence of the French intrigues. He performed but too successfully what seems to have been wisely planned. He laid waste the country as far as his power extended, carrying into captivity those whom his inhuman sword had spared, since he wished to possess pledges for his countrymen's safety, whom the Canadians had retained in bondage. During scenes of hostility, which seemed to degrade human nature, since her rights were respected by neither party, Dudley applied for aid to Connecticut and Rhode-island without success, because they did not feel the devastations which their neighbours opposed. The assembly looked to England when they were thus denied assistance by those who enjoyed safety from their efforts. They sent Cary, as a special messenger, in 1704, to beg for cannons and ammunition; for vessels of war, to convoy their ships, and to guard their coast. At the same time Dudley merited the praise of the commercial world, because he gave them security by causing justice to be executed on several pirates, who still infested the surrounding seas. But "on this occasion he found old prejudices reviving against him." And he printed the trial of the criminals "to saye the clamour of a rude people, who were greatly surprised that any body should be put to death who brought gold into the country."

Urged by the solicitations of that active officer, and by the representations of the Board of trade, the queen granted the desire of the assembly, though it was opposed
by

by the officers of the ordnance: and, in the moment of conferring favours, it was thought seasonable "to renew "the late requisitions for rebuilding Pemaquid and "granting salaries." When the assembly convened, in 1705, a new subject for altercation arose; which in after-times was attended with greater consequences than at present. Dudley disapproved of the speaker whom the delegates had chosen, as "he was poor and disliked the "government of England." But the representatives insisting on their exclusive right of appointment, he waived his objection, by the advice of the council, under the saving of a protest, because they were not satisfied of the validity of his right, and they thought that necessary supplies might be obstructed by untimely perseverance. The delegates only acted according to their determined purpose, when they refused to comply with the queen's desires: insisting, in the language of their fathers, "that, "as it is the native privilege of English subjects, by consent of parliament, to grant such sums of money as "the exigency may require, so they hoped always to "enjoy the same privilege which they had hitherto possessed." They gave, however, such considerable contributions, as induced Dudley to confess, "that, though "they neglected his personal support, they had at no "time delayed any expedition; their whole being at "stake." As the belligerent powers were at length tired of a contest, barbarous yet fruitless, there seems to have been few acts of hostility committed, either by the French or English, during the year 1705. The governor sent messengers to Canada on the pretence of procuring a release of prisoners, but really in order to know the state of the country, which was found to be weak,

weak, as it had not been supported. Vadrueil readily exchanged the prisoners, whom he had treated with kindness; and, as he probably knew the real object of the English messengers, he sent a commissioner to Boston with sincere proposals of neutrality. To the assembly Dudley submitted the instances of the French commander, since they partook with himself in the conduct of the war: but they received his communications with coldness; not so much because they doubted their own authority to ratify his proposals as they were conscious of their superior strength. It was in the confidence of this sentiment that the governor assured the ministers, in February, 1706, "that with the aid of four ships of war he " could conquer Canada."

The salutary admonitions of the secretary of state, neither to trade with the French, nor to supply them with warlike stores, seem to have been as little regarded now as they had been during the hostilities of William. The Dutch of Albany, with the spirit of Dutchmen, constantly accommodated the Canadians and their Indians with destructive instruments, wherewith they laid waste the extremities of New England. The merchants of Massachusetts furnished the Acadians with the supplies that enabled them to continue the war, and to infect sometimes the frontiers of New York. These practices, undutiful and ruinous, became unpopular enough among the New Englanders, when it was suggested, though without foundation, that Dudley was a partaker of the profit and the guilt. Accused of offences, of which they were not innocent, Lawson and Rowse, Vetch and Borland, considerable traders in Boston, were obliged to give security, in 1706, to answer, at the next superior court,

court, for their treasonable correspondence with the enemy. Meanwhile an irruption of the Indians and French, since the offered neutrality had been disdainfully rejected, turned the general clamour into popular fury. The delegates, partly to cover Dudley with shame, but more to shew their own power, assumed the cognizance of a transaction, so finely calculated for their purpose. They resolved, "that the superior court had no jurisdiction, and that a parliamentary inquiry was necessary." The speaker committed the criminals by his warrant. And a formal impeachment, in the accustomed style of the commons, was sent to the counsellors, who were thus supposed to possess the judicial power of the peers. In vain the governor endeavoured to inspire them with moderation, since "he was frightened by the mob, who threatened to pull his house down." Though the form of impeachment was discontinued, because it could not be supported, a mode equally irregular and unjust was adopted: the accused parties were tried by the whole legislature, which at length passed six separate acts, inflicting fines and imprisonment on each. And the unhappy victims of their indignation applied to England for that justice which their countrymen in their zeal had denied. When those intemperate proceedings were laid before the attorney-general Northey, he gave it as his opinion: "that the assembly have no power from their charter to act as they have done; though they may make laws, they cannot execute them; that those acts were not fit to be confirmed, because they would form a precedent of dangerous consequence." The obnoxious ordinances were repealed by the queen, who at the same time ordered the criminals to be prosecuted in the

the ordinary courts of law. Men of reflection remarked, how happy it was for the New English, that a jurisdiction existed, which could correct their vehemence without injuring their system; which could punish the guilty without depriving the innocent of their rights. A trivial fact throws additional light on the temper of that assembly: they refused to address the queen, in return for her portrait, wherewith she had honoured every colony, though the compliment, demanded by the civility of a woman, far less the respect due to the condescension of their sovereign, had impugned no privilege, had imposed no duty, had enforced no act of parliament.

Though the tribes were tired of a contest, which had almost forced them to abandon their native woods, yet, urged by despair and by the persuasions of France, they made a most vigorous attack on New England, in the beginning of the year 1707. But they were easily repelled, as they were opposed by superior force and conduct. Dudley determined to put an end to a struggle, of petty vexation and of great expence, by the conquest of Acadie. A thousand men, under the direction of March, sailed from Boston for Port-Royal under the care of Stukeley, who commanded a royal frigate; expecting from the capture of the metropolis the submission of the province. When they could not gain the citadel either by the assault of troops, hastily embodied, or by regular approaches, since they had only brought with them light cannons for the field, “ they resolved to destroy the settlement: they burned the houses, they killed the cattle, they cut the dams, they drowned the corn.” The engineer, Redknapp, exulting in the mischief he had done, told the Board of trade: “that, had an English colony

“ lony sustained such a loss, they had thought themselves
 “ undone for ever ;” without reflecting, that war is but
 a necessary evil ; the severities of which can only be
 regarded as an attack on human nature, when inflicted
 without some useful end. The New Englanders
 departed in June, not indeed for Boston ; but “ to make
 “ a general ravage of the sea-coast westward to Casco-
 “ bay.” Meantime the clamours of their countrymen
 charged the commanders with cowardice, since they did
 not lead up their troops to certain slaughter, without
 hope of success ; and their punishment was demanded by
 the multitude, because they had not performed all that
 confidence had expected. In order to preserve the approba-
 tion of the assembly, three popular counsellors were sent
 by Dudley to superintend the army, and to direct its
 operations, in imitation of the deputies of the Dutch.
 They ordered the armament back to Port-Royal, where
 it performed as much as could have been reasonably ex-
 pected from soldiers, wasted with disease, and mutinous
 from indulgence.

The French and Indians inflicted on the frontiers of
 New England, in the year 1708, the same barbarities,
 which had disgraced their adversaries during the forego-
 ing season. In this extremity, not of weakness, but of
 apprehension, the assembly again applied to the mother-
 country. To the queen they represented : “ that it was
 “ now little short of twenty years since the province
 “ had been engaged in a consuming war with the eastern
 “ tribes, who could not be subdued, except by men of
 “ their own colour ; and they had found it equally dif-
 “ ficult to procure the aid of the five confederated na-
 “ tions, whose neutrality had been hitherto preserved by

“ the policy of France : they begged of that princess not
“ only for her commands to the Mohawks to fall on
“ their implacable foes, but for her assistance to conquer
“ Canada and Acadie : and when her success should
“ enable her to prescribe terms of peace to her enemies,
“ they implored, that she would retain Port-Royal, since
“ they had found it a Dunkirk.” To these representations an attention was given equal to their importance, which not long after produced measures, interesting to the colonies and to England.

R H O D E - I S L A N D,

DURING the foregoing events, enjoyed almost all the advantages of peace, attended with few of the infelicities of war. Dudley attempted, in 1702, to execute his commission as vice-admiral and commander in chief over its militia, with the success that might have been foreseen from the previous knowledge of the principles of the people. The Quakers, who had acquired chief sway, are said “ to have raged indecently,” when he demanded obedience, because the corporation had long exercised all authority under the charter. Dudley exclaimed while he yet felt the mortification of disappointment : “ that the government of this colony was “ a scandal.” To more impartial beholders, its conduct appeared in a different light. Mompeillon, the chief justice of New York, wrote lord Nottingham, in July, 1704 : “ When I was at Rhode-Island, they did in all “ things as if they were out of the dominions of the
“ crown.”

“ crown.” Informed by repeated intelligence, and urged by the suggestions of various officers, who insisted, “ that instructions from England would not be sufficient, “ but that legal ways must be followed for bringing “ those people to better obedience, notwithstanding “ their charters,” the Board of trade represented these interesting notices to the queen; assuring her, “ that “ they could not conceive how this reformation can be “ done, but by the supreme legislature.” All the irregularities, of which this settlement was accused during the late reign, not only continued in the present, but they were said “ to grow rather worse than better.” The governor and council at length demanded to be heard against accusations, which, however, they insisted, contained a greater portion of misrepresentation than of truth. Yet the inquiry proved unfavourable to them. Every charge of giving protection to the deserter and to the fugitive, to the smuggler and the pirate; of usurping powers not conferred by charter; of denying obedience to acts of parliament; all were supported by the most indisputable evidence: and by a confession, which they seem to have made without reflection, they admitted to be true what gave the greatest offence, “ that Rhode- “ island had never carried on any direct trade with Eng- “ land.” When the event of all these inquiries was communicated to the privy-council, in January 1706, they desired the Board of trade to inform them “ of all the “ misfeasances of the charter-colonies, and all the ad- “ vantages that may result from resuming their govern- “ ments.”

C O N N E C T I C U T,

BEING inhabited by a people of the same principles though of a different religion, acted the same political part as Rhode-island : the charters of both were extremely similar, and both usurped authority that did not belong to them. Lord Cornbury wrote to the Board of trade from New York, in September, 1703, " that Connecticut and Rhode-island hate every body that owns " any subjection to the queen." In pursuance of this singular information, the ministers proposed in the subsequent year to send a royal governor to both, during the continuance of the war. But this inconsiderate project was dropt, on hearing the counsel of the colonies, though its legality was supported by the advice which Ward and Trevor had given officially to William, and its policy was recommended by the practice of that monarch with regard to Pennsylvania. While neither the maxims nor the irregularities of Connecticut could be justified, the policy of England was as little defensible. Lord Cornbury, the governor of New York, was invested with the command of the colonial militia, though the charter had invested this power in the corporation ; though that pretension had been solemnly relinquished during the late reign. When the Quakers complained of an act of assembly, which, though enacted against *heretics*, was levelled chiefly at their prejudices, the queen repealed it, " because it had " been passed contrary to the charter and to the tolera- " tion-act." Yet Sir Philip Yorke and Mr. Talbot gave it as their opinion in August, 1732 : " that, as to how far " the

“ the king may dissent to the acts of assembly, since
 “ there is no power reserved by the charter, the crown
 “ hath no discretionary power to repeal laws made in
 “ Connecticut and Rhode-island ; but their validity de-
 “ pends upon their being reasonable, and agreeable to the
 “ laws of England, regard being had to the constitu-
 “ tion of the place and people ; and when these condi-
 “ tions are observed the law is binding, otherwise it is
 “ not.” The dissent of the queen, thus illegally exer-
 cised, was little regarded, though persecution was at
 length suspended, when it was perceived how much it
 endangered the patent. Those corporations neither cor-
 responded regularly with the ministers, nor transmitted
 their laws for revision, since their privileges had placed
 them beyond controul. Having searched in vain for a
 common remedy for singular disorders, sir Edward Nor-
 they advised, in 1711, that an act of parliament was ne-
 cessary, and ought to be obtained. Irregularities how-
 ever continued, notwithstanding subsequent complaints,
 when it was perceived that redress could not be easily
 found.

To those practices, at once characteristic and illicit,
 to those accusations, offensive and often repeated, it was
 owing, that a consideration of the affairs of the chartered
 colonies had been resumed during every administration,
 though without success. In December, 1705, the privy-
 council directed the Board of trade, “ to lay before the
 “ queen the misfeasances of the proprietaries, and the ad-
 “ vantages that may arise by reducing them.” The
 Board complied with a promptitude that shewed they
 wished for opportunity. And they represented, in the
 strongest language, the original defects of the chartered

forms; the independence on the government of England, which had been long affected; the consequent opposition to the just prerogative of the crown; and the impossibility, during this state of weakness, of executing acts of parliament among a people, who scarcely admitted their validity: they recommended that these difficulties, and the cause of them, should be submitted to the consideration of the supreme legislature as the only power; whose wisdom was equal to the arduous task of reforming the defective jurisprudence of provincials, so dissimilar in principles and in conduct; whose authority was alone able to give a tone to enfeebled systems, so inconvenient at present, so dangerous in prospect. And in February, 1706, a bill was brought in by the commons, "for the better regulation of the charter-governments, and for the encouragement of the trade of the plantations." Owing however to former causes, this unsupported effort failed like the preceding in the house of lords; but more to a difference of opinion among the ministers themselves, with regard to the extent of the offered remedy; some contending for an effectual cure; and others insisting for palliatives. Roused by reiterated complaints, the peers two years after required the Board of trade to lay before them "the charges against the proprietary governments." But that wretched spirit of procrastination and expedient, so characteristic of the colonial administration of England, again interposed; and repressed energy, when absolute reformation demanded the greatest exertion.

From proposals of reform, the minds of the ministers were drawn to less salutary but more splendid projects of conquest. The invasion of Canada had been so often solicited by Massachusetts and New York, as a measure

"which

“ which would for ever put those provinces in a perfect
 “ repose;” the weakness of that hated neighbour was
 so anxiously urged by Vetch, who had acquired a minute
 knowledge of its affairs, by carrying on an illicit
 traffic with its people, that it was determined, in the beginning
 of the year 1709, “ to drive the French from
 “ North America.” In prosecution of a measure, which
 was deemed in those days equally for the interest of England
 and for her colonies advantage, it was proposed to
 conquer Quebec from the sea, while an army should attack
 Montreal by land; to send three thousand troops under
 lord Shannon from England, who, when reinforced by
 twelve hundred soldiers from Massachusetts, Rhode-
 island, and New Hampshire, was to enter the river St.
 Lawrence; to engage New York, Connecticut, and New
 Jersey, to raise fifteen hundred men, who might penetrate
 by the pass of lake Champlain. While the nation thus
 meditated to send a powerful fleet to her transatlantic
 settlements, the parliament exempted* the colonial
 seamen from the service of their country: thus unnerving
 the arm of the state, in the moment that a decisive
 blow was aimed at the resources of the enemy. And, during
 that anxious solicitation, the colonists were again put in
 remembrance, “ that they carried on an illegal trade,
 by means of flags of truce,” which supplied the common
 foes of both with what influenced animosity and invigorated
 perseverance.

Vetch, who was intrusted with command in a warfare
 that he had successfully urged, brought the more northern
 plantations the welcome tidings of the proposed
 X 4 expedition,

* By 6 Anne ch. 37.

expedition, in April, 1709. Massachusetts, Rhode-island, and New Hampshire, easily raised their appointed quotas, because they could even then muster fifteen thousand militia, and their assemblies were for once really in earnest. The English fleet was wishfully looked for at Boston till October, when Dudley was informed, by lord Sunderland, that the affairs of Europe had diverted the American armament to a more interesting object. In prosecution of the other part of that complicated plan, a little army, composed of the four standing companies in the pay of England; of the quotas of New York, Connecticut, and Jerseys; of six hundred Indians; marched from Albany, towards the entrance of Canada, in June, under the command of Nicolson; who was chosen general by the contributory assemblies, because they had been inflamed by his zeal and gained by his attentions. As much seems to have been performed as could have been expected from an inconsiderable body of troops, hastily formed of such dissimilar people. When it was known that the English fleet was no longer expected, the provincials retired towards their frontiers, diminished in numbers and discontented in spirit. It was not foreseen how few projects ever succeed wherein the co-operation of many is requisite: and thus the loss of the battle of Almanza was felt beyond the Atlantic.

When Massachusetts perceived that the meditated design on Canada had failed, she proposed to employ the embodied troops in the conquest of Port-Royal; as the recent incursions of the Acadian Indians had convinced her how much its neighbourhood had disturbed her quiet. When the captains of the royal frigates, stationed to protect her trade, refused to convoy the armament, because
they

they had been ordered on other service, the assembly “desired the governor to discharge the transports and “disband the men.” Both houses joined in an address of thanks to Nicolson for his late conduct, since they hoped for much from his representations in England. They begged him to lay before the queen their distressed circumstances, and their hopes that she would send “a force “next spring for the reduction of Port-Royal, which “will be of great advantage to these provinces, and “which we are so impoverished by the war as to be unable to effect.” And the ardent solicitations of Nicolson proved successful. The ministers determined to gratify the desires of the assemblies, since their irresolution or entanglements had put the provinces during the preceding year to an expence, fruitless beyond expectation, and great beyond example.

As hostilities became expensive, in proportion as the glories of England were extended by fighting the unproductive battles of her allies, the commons once more looked into the colonies for objects of taxation. And an act* was passed, in 1710, “for erecting a general “post-office in all her majesty’s dominions, and for setting a weekly sum out of it for the service of the “war and other occasions.” It established a chief office at New York, to which the packets were directed; it regulated the rates of postage to be paid in the plantations; it exempted the posts from ferriage: and it enabled the officers to recover the duties by summary process. So early indeed as February, 1692, William had appointed Neal his post-master of the northern settlements, whom he empowered to establish posts and to regulate the rates; because

* 9 Anne, ch. 10.

because that monarch and his ministers thought they could do that lawfully in the plantations, which they could not perform in England. Though Neal's apparent powers were ample, his real authority was supposed to be little. He applied without success to the assembly of Massachusetts to invigorate his commission, by compelling every one to pay what equity said the carriage of the letter was worth. Having made a similar application to the legislature of New York since he had met with similar obstructions, they passed, in November, 1692, "an act for encouraging a post-office;" which was continued by temporary renewals, till the late act of parliament suspended their efficacy. And, with the same design, laws seem to have been passed by other territorial jurisdictions, during the same period of weakness. The general post-office was at length erected at New York, under the authority of the supreme legislature, and the posts were sent into New England on the north, and to Jersey and Pennsylvania on the south. If their introduction into Massachusetts was not directly opposed, because she was then too much engaged in foreign warfare, their profit was somewhat diminished by the depreciation of her current money. The post-master-general soon complained to the lord-treasurer "of the loss which *that branch of her* " *majesty's revenue in North America* is like to suffer, by "the currency of paper-bills." The Board of trade, in answer to the ministers direction, "to take into consideration the queen's income in general," reported in May, 1713, "that since the act of parliament had established the rates in sterling, such a loss to *the revenue* " *of the posts* might be prevented, by receiving payment "as formerly." It was not however till the year 1718, that

that the posts were introduced into Virginia and Maryland, in the same manner as they had been formerly established in the more northern provinces, which carried on a wider correspondence, because they were blessed with a greater traffic. Clamour instantly propagated objections to the principle of the act of parliament, as unconstitutional, and to the practice of the post-office, as inconvenient. Spotswood wrote to the Board of trade, in June, 1718: "the people were made to believe, that
 " the parliament could not lay any tax (*for so they call*
 " *the rates of postage*) on them, without the consent of
 " the general assembly. This gave a handle for framing
 " some grievances against the new office; and thereupon
 " a bill was passed by both council and burgesses, which,
 " though it acknowledged the act of parliament to be in
 " force in Virginia, doth effectually prevent its ever be-
 " ing put in execution: whence your lordships may
 " judge how well affected the major part of the assembly-
 " men are towards the collection of *this branch of his*
 " *majesty's revenue.*" Thus was the post-office erected in the colonies; thus were the rates of postage considered as a tax: and thus were the duties deemed "a branch of
 " revenue," which was appropriated by the commons for carrying on the war.

Meanwhile, as the necessary forces could not be withdrawn from European hostilities to conquer Canada, while the influence of Marlborough continued, it was resolved, in March, 1710, to send five hundred marines and two ships of war to attack Port-Royal. Nicolson and Vetch, the projectors of the expedition, were naturally appointed the commanders. And a prosperous voyage carried the armament safe to Boston, by the middle

dle of July. The troops from England were joined in September by two regiments from Massachusetts, one from Connecticut, and a fourth from New Hampshire. Having arrived without accident before the object of their destination, Nicolson claimed the citadel and the circumjacent country as of right belonging to his mistress. But it was at present found more easy to subdue Acadie by force, than it was in aftertimes discovered to establish the validity of his pretensions by disquisition. And Subercase surrendered Port-Royal by an honourable capitulation, when the usual military ceremonies gave him a pretence. It now appeared that the instructions, which had been given to the general, did little honour to his employers talents as ministers and less credit to their spirit as men : they directed him to gain possession of the fortress alone, but they delivered over the colonists to rapine. The miserable people endeavoured in vain to derive protection from submission, by offering to take the oaths of allegiance to the queen : the conquerors proposed, “ to remove them from their country unless they “ would turn protestants :” thus provoking by a despicable persecution their enmity, while their affections should have been conciliated by every mode of concession. Imprudence generally brings with it its own punishment. The moment Vetch was left to retain possession of their petty conquest with four hundred men, he found himself invested by the Acadians and their Indian allies. While the colonies rejoiced that this American Dunkirk was removed from their coasts ; while the commanders announced the supposed advantages of the acquisition and claimed honourable reward, England had the mortification to find, that she had only gained additional

ditional expence. Of this nation it has ever been the unhappy lot, that, as she acquires foreign dominion, she deducts something from her strength, without adding one penny to her revenue; as she ranks distant subjects among her people she increases her embarrassments, by provoking their resistance. Massachusetts had scarcely ceased to rejoice for the capture of Port-Royal, when she resolved "that the provincials remaining in "garrison must be considered as volunteers in the queen's "pay." When Vetch transmitted this resolution to the secretary of state, he begged that his mistress might be persuaded "to pay the troops and allow them subsistence." When that commander's bills for seven thousand seven hundred pounds were presented, in August, 1711, the lord-treasurer applied without success to the Board of trade, "to know whether there be not money "of her majesty's revenue in that country to pay them, "since none had been granted by parliament."

At the same time that the colonies thanked the queen for the reduction of Port-Royal, they continued to solicit her "to send once more a fleet to attack Quebec the "next year, since its conquest was essential to their "quiet." In January, 1711, Dummer presented a memorial in the name of Massachusetts; begging that princess, "in compassion to her plantations, to send an armament against Canada; and, in order to ease the "charge of the crown, not only that province, but "other colonies, even Virginia, will aid." The new ministers immediately resolved to comply with repeated requests, which bade fair to promote the national advantage and their own glory. St. John himself "undertook the management of the expedition." And general

neral Hill, owing to his connections no less than to his merit, was appointed to command an army, from which much was expected, because the hope of the nation was high. The plan of their predecessors was literally adopted, since it was dictated by the natural situation of the country to be attacked, and of the provinces which were to lend their aid. Though several veteran regiments were withdrawn from glorious but unproductive warfare in Germany, so punctually were orders obeyed, because every one was really in earnest, that the fleet safely arrived at Boston on the 24th of June, 1711. When the western Christians first visited Constantinople on their way to rescue the holy city, their religion, their manners, and their reasonings, did not appear in a more striking light to the Greeks than did those of the New English to the British officers*. Nothing can be more contradictory than the accounts that have been delivered of the civil and military transactions while the armament continued at Boston, because the prejudices of both parties were strong.

* Colonel Richard King, thus described to secretary St. John, in a letter from Boston, of the 25th July, 1711, what he saw and felt. "We have met with great difficulties, through the misfortune that the colonies were not informed of our coming two months sooner; and, through *the interestings, the ill-nature, and sourness, of these people, whose hypocrisy and canting are insupportable*. And no man living, but one of general Hill's good sense and good nature, could have managed with that patience and dexterity that he has done. But, if such a man met with nothing he could depend on, though vested with the queen's royal authority, and supported by a number of troops, [3500 Veterans,] sufficient to reduce by force all the colonies, it is easy to determine the respect and obedience her majesty may reasonably expect from them for the future." The acrimony of King arose from his conviction, that the New English designed to defeat the expedition, wherein he bore so respectable a command.

strong. The historian of Massachusetts assures us, "that
 " not only the government, but even private men ex-
 " erted themselves with more zeal and vigour than had
 " been done upon any other occasion." The comman-
 ders by sea and land informed their employers, before
 failure could have induced them to look for excuses in
 the neglects of others: "that all had been done with
 " indolence and indifference, with a thousand scruples
 " and delays, otherwise they might have failed from
 " hence a fortnight sooner, had the government made
 " that dispatch that they might have done." It is only
 by attending to minute circumstances, which are no long-
 er interesting, since they furnish no party with argu-
 ments, that the truth can be found.

When the general was at length joined by the New
 English troops, he resolved, in the height of his zeal,
 " to make the best of his way to Canada, choosing ra-
 " ther to leave the future supply of provisions to provi-
 " dence, and to the care of governor Hunter, than be a
 " day too late." On the thirtieth of July he sailed for
 Quebec, perfectly satisfied, "that nothing could defeat
 " his purpose, but storms, contrary winds, or the dif-
 " ficult navigation of the river St. Lawrence." Hill
 was convinced, from what he saw, how fruitless it was to
 expect any co-operation from Nicolson's efforts on the
 side of Montreal. And he adopted the judicious expe-
 dient of detaching one hundred soldiers, with three hun-
 dred Indians, under Livingstone, a zealous officer, ac-
 quainted with the country, to draw the attention of the
 Canadians to lake Champlain, while he should approach
 their capital from the sea. A favourable gale carried
 the fleet meanwhile into the river St. Lawrence. A
 storm

storm blasted the well-founded hopes of the commanders, and disappointed the expectation of the colonies and the nation. The naval officers determined on the impossibility of gaining now the object of their voyage, since the navigation was not familiar. All resolved to return to England, without attempting any exploit that could palliate disappointment, since their provisions were scanty. The failure of the attack on Canada can be justly attributed to nothing but accident: the determination to leave Newfoundland unmolested, notwithstanding their instructions, was owing to their dread of famine, since a regard to safety forbade them to trust again to the zealous exertions of Hunter, but more to the original imprudence of the ministers, in relying too much on the promises of projectors, always vehement. Though human foresight and effort are in vain opposed to the fury of the tempest, much mischief had probably been prevented, had Walker's fleet been completely furnished with mariners: but desertion had been encouraged at Boston, and the loss of his sailors he could not supply, since an act of parliament had lately prohibited pressing, and the wages of seamen were high.

As the general found it impossible to acquire any new dominion for his country, he wisely endeavoured to secure what had lately been gained by others. He sent a considerable reinforcement to Port Royal, which had been invested by the Acadians, who, when their allegiance was contemptuously refused, swore perpetual enmity against their persecutors. The late disaster was scarcely known, when the French and Indians made an incursion into the frontiers of New York and New England,

England, which, like all former invasions, inspired temporary terror, without making any lasting impression. Yet they put the various assemblies in remembrance to thank the queen for the late expedition; for the clothes and arms which her bounty had given to their troops; and to pray for a renovation of a similar attack on Canada in the subsequent year; but to be relieved from quotas, that they were no longer able to furnish. When the colonies begged for additional supplies of warlike stores, as they thought themselves reduced by a war of unexampled expence, they did not reflect that England had been equally impoverished by extraordinary efforts.

To no purpose their agents pressed those measures on ministers, who were only studious how to give peace to their country, which had been too long engaged in a war, glorious but disadvantageous, expensive yet unprofitable. The defects of the pacification of Ryswick had been so often represented, since they had been so often felt, that they seem to have dictated the colonial conduct of England at the treaty of Utrecht. By it the Acadians, and their country, according to its ancient limits, were confirmed to Britain. The five confederated cantons of Indians were declared to be English subjects, and their extensive hunting-grounds to be English territory. The rights of fishing, which had lately given rise to dispute, were regulated. The desert around Hudson's bay was restored. And Newfoundland was ceded, but Cape Breton was left to France. The regulation of boundaries, which every where furnishes a fruitful topic for contest, was unwisely left to the settlement of commissaries; without reflecting, that, when hostilities have

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ceased,

ceased, unwilling concession can only be compelled by the renewal of warfare.

When peace was announced, amid a thousand causes of dissatisfaction, England discovered, that, though she had gained distant dominions, by adding almost fifty millions to her debts, though she had given to her plantations greater security, she had subjected herself to additional burdens, without procuring one new resource. It is on such occasions that a people should vow never to go to war, except when compelled by necessity. "How to prevent the loss which the queen's revenue, in North America, suffered by the currency of paper bills," had already engaged the deliberation of English statesmen. In June, 1713, "the lord-treasurer, foreseeing that great expence will arise to this kingdom by the large supplies of stores demanded for the colonies, desired the Board of trade to consider, how they may be made to supply themselves"; thinking it but just, that, since requested aid had been given them during the embarrassments of the war, they ought to sustain part of the accumulated load of the peace; that, having gained safety from annexed territory and benefit from regulated fishery, they ought to contribute to the revenue that was to defend both. But faction disabled the national councils from forming any adequate plan of policy for the alleviation of the nation's distress, by the assistance of her transatlantic subjects*.

When

* The following detail of the charge of ships of war, stationed for the protection of the colonies alone, shews what must have been the expence of the war.

	1708 — 445,080 <i>l</i> .
	9 — 425,020
	10 — 450,520
Including 121,600 <i>l</i> . for the Canada expedition.	11 — 613,620
	£.1,934,240

When it was no longer the interest of France to give aid or instructions to the eastern tribes, they begged forgiveness of the New English, whom they had too long harrassed by their barbarous inroads. In July, 1713, Dudley accepted of their submission as subjects on the usual terms of Indian treaties; of present amity and future obedience. During the war of Anne, Massachusetts, of all the plantations, made the greatest exertions, and was able to make them, owing to her superior populousness and energy. Though her expences were beyond example, they little interrupted the pursuits of her people, because they were chiefly defrayed by a mode of borrowing peculiar to the colonies; by issuing paper bills as emergencies arose. And she contracted no debts of lasting incumbrance any more than the other settlements, which had been still less engaged in the contest. Her ignorance of the principles of credit and finance alone involved her in difficulties. Before the conclusion of the war so much paper had been thrown into circulation, beyond what commerce demanded, "that gold and silver were entirely banished;" that the depreciation had affected the parliamentary revenue and the interests of merchants: and orders were transmitted to the governor, in 1713, "to pass no law by which bills of credit should be circulated unless a fund were provided for their liquidation." Yet, in the beginning of the subsequent year, fifty thousand pounds of that worst species of money were given to traffic, not for the payment of public debts, but in order "to enliven trade." Contrary to the practice of England, the body-politic lent those bills to the individual at an interest of five in the hundred; on condition of repaying

annually one-fifth of the principal. The party-contests of England, at the peace of Utrecht, were not more violent and pernicious than the interested disputes which animated this province at the same period with regard to paper currency, the baneful consequences of which were sometimes deplored, as they were often felt.

N E W Y O R K.

LORD Cornbury, who, though illiterate, frivolous, and poor, had been sent to rule New York and New Jersey by William, was continued governor of both by Anne. Owing to the vehemence of Bellomont and Nanfan, he found New York involved in a debt of eight thousand pounds, the principal merchants in banishment, the frontiers defenceless, the Indian allies debauched, the fortifications mouldering into dust, and the king's troops without clothes or accoutrements. During this state of wretchedness, he informed the ministers of England: "that the other colonies will not contribute to the support of New York till they are compelled by act of parliament; and, till the proprietaries are brought under the queen's government, they will be detrimental to the other settlements." Nothing but harmony prevailed in the assembly, which for the first time he convened in October, 1702. Though he professed to join no party, he put himself at the head of those who had been oppressed during the late administration, and who through
his

his influence had now acquired votes in the legislature. The delegates gave him a gratuity of two thousand pounds, which was confirmed by the queen; who, in the subsequent year, augmented his salary of £600 to £1200, that temporary presents might be no more necessary. For the defence of a province, which derived its security more from the singular policy of France than from its own exertions, they granted eighteen hundred pounds for five months maintenance of one hundred and fifty fusileers. Having endeavoured by additional regulations to render the military force more useful during a year, Cornbury was induced to recommend, "that
" an act of parliament should be passed for the establish-
" ment of a well-appointed militia every where." And, what was of still greater importance to a needy governor, they continued the revenue for the support of officers till May, 1709.

The hopes which Cornbury entertained at the conclusion of the session, "that the delegates would continue to do their duty," seem not to have been altogether ill-founded. Though in the subsequent year they granted eighteen hundred pounds for raising batteries for the defence of their metropolis, yet they shewed by their conduct the peculiar principles by which many of the members were animated. From the session of April, 1703, they conceived the policy which they soon carried into execution, because it was easy to give a denial, of assuming to themselves all authority, by means of their power over the public supplies. And the governor was induced by what he had already seen to inform the Board of trade, in June, 1703: "that all these colonies are
" possessed with an opinion that their assemblies ought

“ to have all the same privileges which a house of commons has ; but how dangerous this I need not say.” When a threatened irruption from Canada made it necessary to convene the legislature in the subsequent year, the delegates carried into practice their avowed maxims. They passed an act for the defence of the frontiers; but, having appropriated the proposed supply, as they suspected recent embezzlements ; having appointed the mode of raising and marching the troops, since they wished to gain additional influence ; these uncommon clauses were rescinded by the counsellors as contrary to a royal instruction, requiring all taxes to be granted to the crown; and as inconsistent with the prerogative of commanding the military force. The delegates instantly determined, “ that it was inconvenient to allow the council to amend “ money-bills.” In vain the Board of trade declared in favour of the counsellors power, since they formed equally an essential branch of the legislature. The argument of their opponents, “ that, unless they were permitted to “ grant supplies on their own terms, they would grant “ none,” was so decisive on every occasion as to raise their authority beyond controul. Cornbury procured, by his solicitations from his sovereign, what the assembly had denied in the midst of their disputes, warlike stores, presents for the five confederated tribes, and recruits for the four regular companies, whom England maintained for the defence of a province, turbulent in proportion to its weakness.

It was owing to a controversy, proceeding from causes already explained, that several sessions passed away in altercation, and ended in dissolution, though experience had shewn how little that measure was calculated to subdue those

those whom he could not conciliate. The prerogative was degraded by a prosecution, in June, 1707, which involved that nobleman in general hatred, because he had executed his orders imprudently. M^cKemmey and Hampton, having preached at New York without a bishop's authority, because they claimed this privilege as a right, were prosecuted by information, for acting contrary to the toleration-act. And a jury confirmed their pretensions after a well-debated trial, shewing at the same time their zeal, by denying a special verdict to the direction of the court. History has branded lord Cornbury as a bigot, because she knew not that he had been reduced to the dilemma of either breaking his trust, or incurring the imputation. From the restoration to the present times has been given to colonial governors a royal instruction "to allow no one to preach without a licence from a bishop," because it has at no time been clearly seen, what supremacy a king of England possessed in the plantations; nor was it perceived how much just power is weakened, by imposing injunctions that cannot be executed or even defended.

During the ferment occasioned by a trial of popular expectation, that nobleman was constrained to dissolve a body of delegates, who refused to meet him in assembly; because they insisted that a prorogation during his residence in Jersey operated as a dissolution. And the first resolves of the new representatives evince that they were animated in a high degree by the passions of their constituents. In August, 1708, they resolved: "that the
" appointing of coroners, otherwise than by the choice
" of the people, is contrary to law: that it always has
" been the unquestionable right of every freeman, that

“ he hath an entire property in his estate : that the levy-
“ ing of money upon her majesty’s subjects in this co-
“ lony, under any pretence whatsoever, without consent
“ in general assembly, is a grievance : that the erecting
“ of a court of equity, without consent of the general as-
“ sembly, is contrary to law and of dangerous conse-
“ quence to liberty : that the compelling of any man
“ upon trial by a jury to pay any fees for his prosecution
“ is a great grievance.” To these abstract propositions
of English jurisprudence may be however opposed the
opinions of jurists, who have conferred celebrity on Eng-
land ; of Northey, Harcourt, Raymond, Yorke, Wearg,
and Talbot : yet it is a singular fact in colonial annals,
that the delegates have never adopted a political tenet,
however inconsistent with the analogy of the territorial
constitutions, or contrary to the greatest authorities,
which they have not finally established either by force
or cunning ; partly owing to the influence that the grant-
ing of money gave them, but more to the continued fu-
tility of English statesmen, who did not maintain the
laws of their country either by address or power. The
assembly of 1708, while they expressed their contempt
for a governor, who was indeed unworthy of his station,
were not altogether inattentive to their own safety. They
revived the militia-act for one year more, without an-
nexing a penalty to disobedience. And they raised a
fund of twelve hundred pounds “ for defence of the fron-
“ tiers, and for presents to the five nations,” who, du-
ring the present reign, had been too much neglected,
since the forbearance of Canada gave security to the ex-
tended settlements of New York. That nobleman mean-
time owed his recal to private complaints rather than to
public

public accusation : in October, 1707, the Board of trade represented to the queen ; “ that, with regard to the seizure of a merchant’s ship, he had acted illegally and “ merited her censure.” But, above all, Morris, who for half a century acted so conspicuous a part in the political drama of New York and New Jersey, informed lord Sunderland, the secretary of state, “ of his vices and “ misconduct ; that the revenue at New York is near “ falling, which will certainly be the case, if some one “ else be not sent in lord Cornbury’s stead.”

His successor, lord Lovelace, lived not to feel the mortification of popular contest or the misery of dependent greatness. Ingoldsbey, the lieutenant-governor, ruled the province, when orders arrived from England to co-operate in the expedition against Canada, in 1709. Though the happy prospect of expelling the French from their vicinity seems to have roused the colonies from their lethargy, yet those of the south were said “ not to “ match the zeal of New England : interest, that governs the world, tyrannizes at New York.” This province was divided into two parties with regard to the propriety of the proposed attack : the merchants and inhabitants of Albany opposed it, because they had long carried on a gainful traffic with Canada : the planters promoted what promised them present security and future benefit. During this state of the minds of men, Ingoldsbey procured the concurrence of the assembly by acting himself only the unimportant part of communicating the secretary of state’s dispatch ; of permitting the council and delegates to direct in all things. A committee of both executed the royal prerogative of appointing the military officers ; four commissioners, nominated by an act
of

of the legislature, attended the army "for managing the expedition in relation to the procuring of necessary supplies." And, being thus allowed to govern herself, New York exerted an energy of which there had been hitherto in her annals no example. She not only raised almost five hundred men as her quota, but she seems to have furnished provisions for the armament that was to attack Montreal by the lake Champlain. When it was known that no fleet would arrive from England, the general discontent was equal to the greatness of recent expectations. In the height of their chagrin, the assembly directed Ingoldsby "to recal their forces from the camp"; without reflecting that a hasty retreat would necessarily provoke that invasion of the French, which they had lately delayed, because they feared the resentment of the five nations. It was on this occasion that paper-bills of credit were first introduced into the policy and commerce of this province, "in order to pay the debt of the expedition to Canada and for other uses." The delegates not only did all that could be expected of them for gaining an object which had their own good for its end, but they passed an act "for defraying the charge of the colony;" appropriating the money however to such uses as should be directed by the assembly. And Ingoldsby, having lately felt the mortification of parsimonious appointments, lamented, to the Board of trade, the bad consequences "of their reducing the fees of officers to nothing."

In September, 1709, Hunter, a statesman, a soldier, and a scholar, was appointed governor of New York and New Jersey. He was warned by the ministers of what he was directed to prevent; "that an illegal trade was still
" carried

“carried on between New York and the Dutch islands, whereby the French were supplied with provisions.” Of the multitude of Palatines who then sought an asylum in England, because they were unhappy at home, it was resolved to send three thousand with Hunter, in order partly to add to the population of his province, but more to promote the culture of naval stores, which was then the predominant passion of England. The parliament granted ten thousand pounds for their transportation and future subsistence: the refugees entered into formal articles to serve the queen, “as grateful servants,” in the cultivation of tar, under the royal directions, till their labour should reimburse the expence of their settlement. And that ardent officer departed full of hopes “of accomplishing this great design.” These freemen had not foreseen, that, as they had freely descended to a state of humiliating servitude, they had subjected themselves to the restraint necessarily annexed to it. And they were scarcely settled on the banks of Hudson’s river, when dissatisfaction promoted discontent, which easily finds pretences. “The country people were perceived to have put this spirit into them, because they hoped to gain from it.” The Palatines, having drawn their swords against their benefactors, because unreasonable expectations were not fulfilled, formally took the field, in order to gain by force, what had been denied to entreaty. Hunter met them with the militia; and easily obliged them to deliver up the arms, of which they had shewn themselves unworthy. While he reproached them with ingratitude, and compelled them to perform their stipulations, he convinced them, by his kindness, that he could pity the unfortunate,

fortunate, who are often misled. Their subsistence, for several years, cost England twenty thousand pounds, without yielding by their labour a penny. They only became beneficial to the province, when they were directed to maintain themselves, by following, as freemen, their own pursuits, since all hopes, from "this great scheme of wealth to the nation," had vanished, like other projects of temporaneous renown.

Finding it a more difficult task to reconcile men to one another, Hunter delayed calling the assembly "till their minds had cooled." He, in the mean time, renewed the covenant of friendship with the five confederated tribes, discouraging an attempt of New England to engage them in hostility against her Indian foes, because it had destroyed a neutrality with Canada, that had proved, during the war, so advantageous to his province. In September, 1710, he met an assembly from which he expected much, because he relied not only on his own talents, but more on the abilities of a few friends, who had secured their elections. With unusual confidence he recommended the settling of a revenue, the protection of the frontiers, the restoration of public credit, the forgetfulness of former piques. The complaisance of their answer promised a fruitful session. But Morris, whose suggestions had chiefly promoted lord Cornbury's recall, recommending too warmly a permanent salary for the governor, was expelled, because he gave offence to members, who were incited by extreme jealousy. And the late disputes with regard to the amendment of money-bills again embittered public proceedings. Yet they finally granted a small sum for the subsistence of the chief magistrate during a year, and made petty provision
for

for the defence of the province. Hunter informed the ministers of the pretended and real causes of the unexpected conduct of the delegates, which he thought the more extraordinary, because the queen expended annually twenty thousand pounds in maintaining troops and ships for their security: and while he gave notice that they would always prove refractory, since it is popular to save money, he recommended the imposition of various duties by act of parliament, as the only means to free the government from the caprice of an assembly. Urged by his representations, the Board of trade stated to the queen, in February, 1711, the conduct of both parties: they advised, that the governor should be directed to inform the assembly of her undoubted right to appoint salaries; of her displeasure at their recent neglect; of her expectation that they would provide an effectual revenue: and, in order to insure their submission, the Board suggested, "that their refusal will give a just occasion to the passing of an act of parliament for granting the like income to arise there." That princess directed the Board to draw such a bill to be laid before the commons. In March, 1711, sir Edward Northey and sir Robert Raymond approved of "an act for granting a revenue by parliament to arise in New York;" reciting the refusal of the assembly, though four companies of soldiers and ships of war had been sent for the defence of the colony. Yet the parliament was prorogued before a measure, thus solemnly advised and approved, could be submitted to their judgement.

Before Hunter heard of these proceedings, vigorous, because they seemed to be sincere, he again called the assembly in April, 1711, with his former design. Having

ving urged his recent requests with greater earnestness, he reduced the delegates to the dilemma of either granting, or refusing them. But in his own conduct they found an admirable expedient when they looked for it. The speaker informed him, that, considering themselves as dissolved by his prorogation, during his residence in the Jerseys, "they had resolved to go home." In his turn he was left no choice but to dissolve them, though he knew "that the same men would be sent back with "greater fury." While the governor represented, "that "the public officers were starving; that the forts on the "frontiers were in ruins; that the Canadians daily threaten the province, and there was neither a revenue nor "credit;" he assured the ministers, "that the delegates "were resolved to put themselves on a foot with the "charter-governments, and no measures can be taken "heretoprevent it." Reduced thus to the necessity of supporting his administration by his own powers, he begged "that his salary, and other smaller expences, might be "paid out of money in the collectors hands." But the Board of trade answered him, in language which shews the policy of the reign of Anne, "that his request could "not be granted, since all duties levied in the colonies, "by virtue of the act encouraging trade in America, "is appropriated as a fund for loans*."

The present neutrality with Canada gave the French an opportunity, which they improved with their usual address, of corrupting the fidelity of the ancient allies of New York. By means of their flatteries, but more by their
their

* By 6 Anne, ch. 37. duties were imposed on prize-goods imported into the colonies, and applied as mentioned in the text.

their presents, they obtained permission to build a fortification at Onandago, the metropolis of the five confederated tribes. And Hunter hastened from the assembly to exert his singular talents to reclaim the disaffected and to confirm the wavering. While engaged in this delicate business, which was the more arduous because he was unsupported with money, which he successfully executed more by the superior influence of Schuyler than his own, he received official notice of the intended conquest of Canada. Pleased with a project that promised them present gratification and future safety, the new assembly co-operated with the governor, since he indulged their spirit. They issued ten thousand pounds in paper-bills, to be redeemed after the termination of the war, for supporting their quota of troops, which they complained of as disproportionate; for bringing into the field their Indian allies, whose fidelity had been shaken. They did not however trust the governor with the disposal of the money, which had augmented his influence, but invested commissioners with the power of expenditure in order to strengthen their own authority. They thanked the queen not only for the blessings enjoyed under her glorious reign, for the stores of war lately sent them, but for the present expedition; which they would cheerfully promote, though their extreme poverty obstructed their inclination: they took this opportunity to offer to the royal consideration, in hyperbolical language, how much they had been exhausted by their exertions during the last and present contest with France, and the exorbitant charges for the ordinary support of government: that, owing to their many hardships, trade decayed, lands fell in their value, and the most industrious subjects emigrated

ted to other colonies which enjoyed greater ease : they insisted that these disadvantages must proceed from sinister representations, made to their prejudice, for want of a person authorised to act for them at her majesty's court. Nicolson, their former general, led towards lake Champlain three and twenty hundred men, composed of the regular troops, of the quotas of the Jerseys, of New York, of Connecticut, and eight hundred Indians. With whatever spirits he undertook his enterprize, he seems to have performed less now than he had done two years before, because a mixed army, hastily collected, might amuse, but could not conquer. When he heard of the sad disaster of the co-operating armament, he retired with diminished numbers to Albany, owing to fatigues which none but veterans can sustain. And his arrival inspired the inhabitants with terror, since they were now told, that the whole force of Canada was drawn to lake Champlain, ready to invade them. Their dismay ceased when they found that their frontiers were only infested by hunters, whose feeble attacks were easily repelled by woodsmen of superior address and courage.

The threatened danger induced Hunter to call the assembly in August, 1711. The governor urged them in vain to continue the troops in pay during the subsequent winter, to repair the fortifications on the side of Canada. In order to discharge the debts of the unfortunate expedition, and to make adequate provision for the support of their internal government, the delegates framed bills of a texture which they probably foresaw would not be approved. By amending what they deemed unconstitutional and unjust, the council revived former altercations with regard to the respective powers of the component

component parts of the legislature. In support of their conduct the counsellors insisted, that they formed, equally with the delegates, an essential portion of the assembly, from the provincial constitution; that their recent proceedings were justified by former precedents, which had been confirmed by the favourable decision of the Board of trade. Their opponents doubted "if they had even
" any power of legislation, since they formed no distinct
" rank in the province, and derived their little importance
" from the mere pleasure of the prince: but the inherent
" right of the delegates to dispose of money, they urged,
" proceeds from no grant of the crown, but from the
" free choice of the people, who ought not to be divest-
" ed of their property without their consent: nor ought
" precedents and the opinion of the Board to weigh
" against unalienable privileges." While public proceedings were thus interrupted by perplexing contests, the real object of the present session was neglected, though a trivial sum was procured by the governor's friends for his present subsistence. Having in this manner whiled away a long session, the delegates "very fairly adjourned
" themselves from the 24th of November till the first
" Thursday in April."

The great sagacity of Hunter enabled him to penetrate the present designs of men and to foresee the future effects of their political reasonings and their consequent conduct. He had carefully marked the proceedings of other assemblies, because his attention had been drawn to them by secretary St. John, who asked him "to consider of the whole state of the British interest in those
" parts." And he transmitted to the ministers of England, in 1711, the result of his observations, which

evinced equally "the bad state" of the colonial systems and his own abilities. He put them in remembrance, of what had formerly been foretold : "that the colonies were
" then infants, sucking their mother's breasts ; but
" such as would wean themselves when they came of
" age ; in their infancy the crown was lavish of privileges, as necessary for their nursing, but a full-grown
" boy makes commonly an indifferent use of the indulgence requisite towards a child : if it is expected that
" the colonies, now they are grown up, should be a
" help and of some use to the parent-country, there is
" an evident necessity of an uniformity in their governments." He assured them : "that the various and
" dissonant models in the charter and proprietary settlements are apparently the spring which moves most of
" the perplexities in most of the provinces, since each
" conceives that their neighbours are better while upon
" another foot : yet the purchasing of proprietary rights,
" and the taking away of usurpations, would be a work
" of time and trouble ; and, should these governments be
" continued on the foot they now stand, her majesty
" will pay dear for much trouble and no dominion ; yet
" such is the plan they all aim at and make no scruple
" to own : that the delegates claiming all the privileges
" of a house of commons, and stretching them even beyond what they were ever imagined to be there, should
" the council by the same rule lay claim to the rights of
" a house of peers, here is a body co-ordinate with,
" claiming equal powers, and consequently independent
" of the great council of the realm." And he ventured to affirm : "that, unless some speedy and effectual remedy
" be applied, the queen will have no government, and
" the

“ the disease will become desperate”: giving warning, at the same time; “ that, if he was not mistaken, they
“ are flattered by some at home with the hopes of obli-
“ ging the crown to that concession by their undutiful
“ practices.”

Incited by information, which communicated not only instruction but alarm, the Board of trade represented to the queen, in November, 1711: “ that, such being
“ the state of difficulties, and having reason to believe
“ that the assembly will not settle a revenue, it would
“ be proper that provision be made by act of parliament
“ here.” The same spirit dictated a representation to the secretaries of state a few months after, in which the Board stated in plainer language the pretensions and practices of the delegates: giving it as their opinion, “ that,
“ if the assembly of New York is suffered to proceed after this manner, it may prove of very dangerous consequence to that province, and of very ill example to
“ the other governments in America, who are already
“ but too much inclined to assume pretended rights tending to independency on the crown.” Yet the remedy which they offered only shewed the greatness of their embarrassments and the difficulty of the subject: the displeasure of the queen, an act of parliament, establishing a revenue within the colony, were measures extremely inadequate to the reclaiming of the colonists to duty, or to the retarding of that tendency to independence, which was so clearly seen and so much deplored. Though St. John had determined, because he saw the necessity of reformation, to improve the chartered forms, by giving royal governments to each, his ardent mind seems to have been now too much occupied

with more interesting affairs to regard, as he ought, the late representations. Wise men perceived that no great plan of policy, containing reciprocal benefits to the nation and her colonies, could be reasonably expected while cabal divided the cabinet and faction distracted the state. Considering the claims of the delegates as a violation of the provincial constitution, the Board of trade wrote to Hunter, in June, 1712, "to acquaint them, if they
 "persist, that such measures will be taken here as may
 "effectually assert her majesty's prerogative:" never reflecting that threats offered to the free often confirm their obstinacy than temper their zeal.

Animated however by these proceedings, the governor convened the assembly, to whom he recommended the defence of the frontiers, and the support of his administration; proposing expedients by which they might grant money without fear of misapplication. They passed an act for suppressing the conspiracy of slaves, because their capital had been endangered by recent insurrection. They provided for the repairing of their fortifications on the borders, because the province had been lately threatened with invasion from Canada, while their Indian allies had shewn unusual discontent. "In order to defeat the
 "measures of the Board", they appointed commissioners
 "to state the debts of the government:" and they granted to Hunter a petty sum for his temporary subsistence. But the communication of the threatenings of the Board enkindled, as might have been foreseen, "heats not fit to
 "be repeated." The session passed away in revived altercation between the two houses of assembly, which only confirmed the prejudices of both. Though the governor foresaw, "that, when they had fixed the name
 "of

“ of slavery on the supporting of government, and that
“ of liberty on their own practices, and have taught the
“ thoughtless people to speak after them, there can be
“ no expectation from change,” he dissolved the delegates, because he deemed that conduct undutiful which they regarded as patriotic. Of these transactions he informed the ministers of England, assuring them; “ that
“ they cannot flatter themselves after what has passed
“ that any thing is to be done on this side.” In order to blunt the force of accusation, to embarrass projected measures of which they were perfectly informed, the delegates transmitted an address to the queen, professing their willingness to support her government, complaining of misapplications in the treasury, and of misrepresentations of their temper; and begging that they might be allowed to appoint an agent to state their proceedings and to watch over their affairs.

Enlightened by farther experience, the Board renewed, in April, 1713, their former representations to the queen in stronger language. Perceiving the degradation of her authority in the needy dependence of her officers, that princess immediately gave orders, that the bill for establishing a revenue within the province, which Northey and Raymond had formerly approved, should be laid before the house of commons. But the parliament rose before it was possible to prosecute that measure with effect. Though the Board gave Hunter assurance, “ that
“ they should not fail, at the beginning of the next session, to take care that her majesty’s commands shall
“ be no more slighted by a people, who owe their protection to her goodness;” yet, there is reason to believe, that they were not sincere in their professions;

that there was no real design to establish by act of parliament a permanent revenue in New York*.

Upon the dissolution of the assembly, in 1712, appeals were made to the inhabitants by means of the press, in which Hunter and his friends displayed the superiority of their talents without subduing the prejudices of the people. Nothing can shew in a clearer light the policy of the times than the singular argument which was chiefly pressed, in order to gain the object of his struggles : " that, if they did not settle a revenue, the " parliament would do it to their hands." But a great majority of the late members were returned to the assembly of May, 1713. Invigorated by recent assurances, he addressed them in a tone of confidence, which often proves successful in popular conventions : " you are " called, said he, to settle a revenue for support of government, not to settle the government, for that is " already done by the only authority on earth that has " a right to do it." And he with some success endeavoured to soothe and to terrify them. " The fears of the " promised

* That there had been no real intention to impose taxes in New York by act of parliament seems to be demonstrated by what governor Hunter wrote to secretary Popple, in November, 1714 : " You know well that the revenue-bill was never intended to be passed, though prepared by the lords of " trade." We may determine, with regard to the motive, by what appears in a letter from Hunter, of the 8th November, 1715, to the earl of Stair, " that it had been the opinion of *his friends*, during the late reign, that " the act of parliament should not pass, because he would be superseded were " a salary established." Hunter desired lord Stair " to remember him to " the duke of Marlborough, lord Somers, lord Godolphin," and other great whigs : and we may thence infer that these were " his friends," who prevented the passing of the act of parliament during lord Oxford's administration, for a reason which shews that they had been acquainted with courts.

“ promised remedy at home, and of a speedy dissolution,
“ at length suggested the necessity of an apparent wil-
“ liness to provide for the public officers in the man-
“ ner expected of them.” Yet for one year only they
now made provision, which afterwards proved extremely
defective, because their jealousy proved stronger than
their apprehensions. And Hunter gave notice to the mi-
nistry : “ that, while endeavours were daily used to wrest
“ from the queen her undoubted rights, the continu-
“ ance of government on this foot can neither be for her
“ pleasure or her interest.”

Owing to this information, the rod of parliamentary
interposition was again shewn to New York, in order
“ to make that people more sensible of their duty.” Du-
ring the impression of the threatened chastisement, Hun-
ter convened the assembly, in July, 1714; that he
might once more endeavour to obtain what was essential
to his existence. The delegates thought it prudent to
provide for the support of government during the subse-
quent twelvemonth, which was equally defective as the
former; which induced Hunter to inform the Board of
trade, “ that he must go a-begging again at the end of
“ the year.” Every man of consequence in the province
having become at length a creditor of the public, either
for services performed, or for money advanced on defec-
tive funds, from the revolution to the present time, a law
was the more easily obtained for discharging the debts of
the colony, amounting to twenty-eight thousand pounds
of current money : and, with this design, the same act
“ enforced the currency of paper-bills” to that extent.
During this session there was so good an agreement be-
tween the two houses of assembly, because the interest of

both concurred, that "the offensive clauses were struck out by the council, yet the delegates agreed to all their amendments, though it was a money-bill." Having thus disburdened the community of debts, by a measure which enlivened the industry of the individual, the legislature wisely endeavoured to promote the general prosperity by salutary laws : by giving encouragement to fishery and agriculture ; by regulating the practice of the law, in order to prevent the multiplicity of suits. Yet the repose of the frontiers was somewhat disturbed by the commotions of the five confederated tribes, who had protected the province during the war, because they had heard of a design to destroy them, but more because they had not received the accustomed presents, "which had now become a sort of tribute." Enabled however by a liberal grant of the assembly, Hunter easily removed their jealousy and re-established the former peace upon a firmer basis. Notwithstanding the turbulence of the reign of Anne, New York grew up with a youthful vigour, equalled only by other English colonies, having added one third to her populousness and her commerce. When that excellent statesman observed with surprize this signal augmentation, because complaints had been made of her rapid decline, he was induced "to leave it to the consideration of the Board of trade, what the consequences are likely to be, when upon such an increase not only the support of government, but the inclination of the people to support it at all, decrease."

NEW JERSEY.

FACTION has reduced few countries to a situation more truly lamentable than that which this inconsiderable colony, containing about eight thousand inhabitants, had cause to deplore at the commencement of the reign of Anne. To the ministers of England it was represented as "being without law and gospel, having "neither judge nor priest:" the cause we may learn from those who knew the best, because they had been attentive observers of the tumultuous scene; "that the "present ill circumstances of New York, the Jerseys, "Pennsylvania, and the Carolinas, if not derived "from New England, yet the transcripts are so alike in "most or all the circumstances, they seemed to have been "influenced by the worst of examples." Amid these distractions, lord Cornbury was appointed the first royal governor, in 1702. By his commission and instructions, the queen incorporated east and west Jersey into one province. And, while she gave them the constitution of other royal governments, she regulated the house of delegates, by declaring that it should consist of twenty-four members, who each should possess a freehold of one thousand acres. Though nothing could be more wise than a regulation which placed the legislative power in the hands of the wealthy, it contained the imprudence, that so frequently occurs in colonial policy, of establishing a measure that could not be supported, and was therefore retracted when it was opposed,

Experience

Experience soon discovered how vain is the recommendation "to heal divisions," when mens habits promote disunion. The governor, to whom this benevolent order was given, found the inhabitants of Jersey "prone enough to throw off all government," and the province distracted by three different parties, as violent as they were interested. Amid this ferment, the delegates, in order to shew their contempt of lord Cornbury, who was said "to have been the merchandise of factions," adopted a measure, which introduced a difficulty here, that seems never to have occurred in England, even when men contended with the same zeal to be exempted from parliamentary service as they insist in modern times for parliamentary representation: they declined to assemble on the day appointed by the queen's writ; because they knew that their obedience could not be enforced, and they foresaw, in dissolution, only a renovation of their power. During the length of years that they were influenced by this spirit, they professed their willingness "to support any one who does not invade their liberties; though they thought no consideration obliged them to support oppression." The succession of governors, however, made little change in the tempers of the governed, since the same impelling causes continued. And Hunter assured the Board of trade, in May, 1711: "that a compliance with his order, to compose differences, was past all human power." The annals of New Jersey and of New York, during the present reign, are extremely similar in all their characteristic features, because the passions of the people of both were exactly the same. But little instruction and less pleasure can be gained from tracing the tergiversations of party in either.

The

The personal contests of petty men, for interested objects, merit no consideration, since similar disputes of greater characters, for higher enjoyments, are interesting only to those who derive a gratification from their ultimate disappointment or success.

P E N N S Y L V A N I A.

THE celebrated constitution, which Penn left to his province, when he finally departed in 1701, did not ensure, what ought to be the end of every social system, the repose of the governed. The people did not yield willing obedience to Hamilton, to whom he delivered over the chief command, because they knew that the queen had refused to honour him with her approbation. During this state of embarrassment, he tried in vain to induce the inhabitants of the three lower counties to submit to the Pennsylvanian constitution, which attracted, in after-times, the admiration of philosophers, since they knew the defect in the proprietary's title, and wished for the pleasures of separate jurisdiction from a royal government. Even in this moral province crimes began to prevail, where punishment was unfrequent, because "the Quakers were determined to be judges, yet will not administer an oath." Nothing can be more respectable than the peaceableness and the diligence of that singular sect: nothing can be more incongruous, perhaps reprehensible, than their ambition to fill offices for which their peculiarities disqualified them. Yet, by the affectionate disposition of the proprietary, into their hands

hands the government devolved upon the death of Hamilton, though they refused to take the oaths which the acts of parliament required as essential to all governors. And the ministers of England were informed, by those who had beheld “ this unaccountable proceeding with surprise, that Pennsylvania looks as if it was an independent government, and not under the same crown; “ that the Quakers hoped the interest of Penn would “ procure a dispensation of the law in their favour.”

Scarcely had Penn arrived in England, when in June, 1702, Randolph, the surveyor-general of the colonial customs, presented formal articles of accusation to the Board of trade: “ that he had usurped the government “ of the three lower counties on Delaware; that he had “ imposed a duty of eight shillings a ton on vessels not “ belonging to his province; that he had enacted laws “ contrary to the acts of navigation.” When he found that his answers were disregarded as unsatisfactory; “ that “ the bent is extremely strong to bring all proprietary “ governments under the disposition of the crown,” he proposed to the secretary of state to resign his jurisdiction to the queen. It was on that occasion that the same sentiment occurred to lord Godolphin, which was afterwards so strongly expressed by Hunter; “ that, if these “ governments are purchased on their present footing, “ the queen will pay dear for much trouble and no dominion.” And he prudently asked, what good was to result to England by the purchase of the proprietary’s powers? It was owing chiefly to that important question, that, though the treaty, which was thus opened, in May, 1703, lasted during the present reign, and towards its conclusion a bill was brought in by the commons to confirm

firm the agreement of the parties, it finally failed: the unfeeling creditors of the unhappy Penn opposed what they regarded as contrary to their interest: the ministers were too much distracted to support with steady vigour what did not immediately relate to their own continuance in power.

When Evans assumed the administration, in February, 1704, "he found the affairs of Pennsylvania in no worse order than was to have been expected from the late opposition to a weak government." Yet he could discover no illegal trade, because his diligence had not been yet quickened by opposition. He endeavoured, though with no great success, to reconcile animosities during a season when "it was the unhappiness of the country to be much divided in opinions." Partly with this view he called an assembly, in May, 1704, in conformity to the late charter. To their consideration he recommended the support of his administration, by insinuating, "that Penn might throw off a load that he had found too heavy." He pressed them to grant the queen's requisition of aid to New York, though he perceived "that it went much against the humour of the people here as well as in other colonies." He proposed the settlement of the constitution and the defence of the colony; but, above all, he suggested, as what merited their chief regard, the unity of the province with the territories. The mutual cordiality, which seems to have prevailed at the commencement of the session, did not long continue, because the jealousy of each party was strong. The inhabitants of the lower counties finally refused to join in jurisdiction with those of the province, since they hoped with reason to be received under the royal government.

The

The power of the delegates to sit on their own adjournments having been lately questioned, they thought it prudent to explain by a new law their chartered constitution. The amendments made by the chief ruler to this bill, as he thought it pressed upon the prerogative, induced them to resolve, "that his alterations would render the late patent ineffectual, and bring an odium upon the proprietary;" that to admit the power of dissolution or prorogation in the governor would frustrate the elections settled by the legislature. Power supported by popularity is not easily controuled. Though Evans struggled to maintain "a point which ought not to be given up, because he remembered the fatal consequences of that concession by Charles I." his opponents at length gained their end. In the height of their discontent they attacked the proprietary himself in a variety of exaggerated complaints, which seemed to have been all contained in this general resolution: "that, though at the first settling of the province he had promised large privileges and granted several charters to the people, yet by his artifices he had endeavoured to reduce all to his mere will." And thus that famous legislator discovered, what it is of great consequence for the world to know, that great cunning generally defeats its own purposes. It was on this occasion that the younger Penn publicly renounced the tenets of the Quakers, because in their ambitious projects they had forgot the kindness of the father and their promises to the son. The ministers of England were at the same time informed: "that, considering how much every thing is in disorder, and how little the Quakers will do for Penn, he will fall in his demands for a surrender."

When

When the acts of assembly were not long after reviewed by English statesmen, many of them were found to have been either unreasonable, insignificant, or arbitrary. Sir Edward Northey objected to the toleration-act, because it had no regard to the Christian religion; to that, inflicting castration on him who should commit a rape, since it was unreasonable, especially in the case of married men; to that, requiring criminals to be sold for certain offences, as the law of England does not admit of servitude as a punishment; to that, giving priority of payment to the inhabitants, because it was prejudicial to the English merchants. These, and other regulations of a similar texture, were disallowed by the queen, though Penn pleaded, in their favour, "that the simplicity of the times in that wilderness ought to excuse inexperience." Sir Robert Raymond reviewed subsequent acts of the Pennsylvanian assembly, which, composed in a similar strain, he found to have been equally defective: he objected to the first, because "it circumvents the act of parliament, regulating coin; to the second, as it seemed to multiply suits and to deny justice; to the third, since it gave very arbitrary power to justices of the peace; to the fourth, because he could not perceive the occasion of declaring the privileges of freemen, as their rights were sufficiently secured by the laws of the realm; to that imposing a duty of ninepence a ton on vessels coming thither, 'except such as are owned by the inhabitants,' as it is very unreasonable to impose a burden on the trade and navigation of this kingdom." The able report of that illustrious lawyer was transmitted to the governor, that, while he published the royal dissent, the province might know

know the reasons which had procured it. What a spectacle, to behold such jurists as Northey, Harcourt, and Raymond, objecting to the regulations of the renowned legislators of Pennsylvania, *as very arbitrary, unreasonable, and unjust!* The jealousy of the law of England allows to no officer discretionary powers; and the people are therefore free: the Pennsylvanian jurisprudence gives high trust to petty magistrates, because they are not feared; and the provincials are therefore sometimes subjected to the tyranny of little men; though the Pennsylvanians have been always free, because they thought they were free.

With the characteristic weakness of human nature, Penn endeavoured to derive that submission and repose from change, which had been denied to gratitude; by sending Gookin to execute the unpleasing task of Evans. Capacious as the proprietary's mind was, he did not immediately perceive, that contest grew naturally out of the constitution which he had given to his followers, acute and pertinacious. Equally poor and dependent, the new governor had the same contest to maintain as the old, which he began with haughtiness, and concluded, when he was by the same arts recalled, with meanness. In their religious scruples, the delegates found an excuse for denying to the royal requests any aid to the Canada expedition of 1709, though they professed their willingness to grant a suitable present to the queen: they neither provided for the defence of their coasts, which were sometimes plundered by privateers, either by fortifications or by ships; nor for the security of their frontiers by gratifying the neighbouring tribes; "alleging, for all, "their religious principles." Yet the Pennsylvanians
derived

derived the greatest advantages from supplying the French with provisions during a war that involved the parent-country in debts, the pressure of which she even now deploras. It was to no purpose to prosecute offenders, "since juries gave their verdicts against the queen." And, while Hunter lamented the continuance of "these treasonable practices," he informed the Board of trade, in February, 1712: "that his repeated advice to the lieutenant-governor, with the opinions of the best lawyers in these parts, could not prevail on him to seize Parks and his associates, and send them to England for their trial, as the act of parliament against foreign treasons directs." But the public contests seem not to have much affected private prosperity, because, while the original spirit of diligence was invigorated by legislative regulations, the hand of the industrious was strengthened. During the present reign, Pennsylvania added probably a third to her population, since mankind every where multiply in proportion as they are usefully employed, while they possess unmolested the fruits of their toil. And, having cultivated a direct trade with the French in preference to the English, the authority of Britain was shaken by additional strokes, as the provincials had learned "to circumvent acts of parliament," while they disregarded without reprehension the just requisitions of the queen.

M A R Y L A N D.

DISTURBED neither by foreign invasion nor domestic dispute, this province had for years enjoyed the most perfect repose, and was said "to be now greatly improved and happy, owing to its being under a royal government." The queen thought it prudent to renew her requests of aid to New York, because the former instances had not been complied with. Yet the provincial agent not long after represented, that the assembly of 1701 having granted three hundred pounds sterling as their quota, on condition that other colonies should contribute in equal proportion, their successors begged to be discharged from that law, since Virginia and Pennsylvania had granted nothing.

Seymour assumed the government of this peaceful colony in 1704. He soon discovered, that, though it was not subjected either to the cruelties or the expences of war, its quiet was disturbed and its people were impoverished by hostility. Owing to the number of negroes imported, as well as to the depreciation of their staple, he had cause to lament, "that the epidemic distemper of the country was the multitude of protested bills of exchange." And the conduct of the assembly, during this reign, was governed by the spirit of their needy constituents: the regulations of the legislature were dictated almost wholly by a regard to debtors. Excessive usury was prohibited, by declaring that no greater interest shall be received than six in the hundred for money, and
eight

eight for tobacco. The damages of protested bills of exchange were ascertained, by reducing them from twenty and fifteen in the hundred to ten. While an act was passed "for the relief of poor debtors," it was declared, "that no execution should issue in any year after the tenth of May." A law however was established "for the relief of creditors in England, by subjecting the factors of bankrupts to the suit of their commissioners, provided a security shall be first given to satisfy the debts contracted in the province." And we here see a picture in miniature of the tribunitial contests at Rome, between the patrons and their clients, which so long kept the republican spirit alive. Regulations however of a different tendency were at the same time enacted. By improving the militia, the public safety was secured: by doing justice to the domestic tribes, the general tranquillity was ensured. Encouragement was given to agriculture, while additional incentives roused the spirit of foreign adventure. Nor were the interests of learning forgot in their attention to domestic œconomy: having then no public seminaries, taxes were imposed on a variety of commodities exported, "towards the maintaining of one or more free-schools"; provided, "that non-residents shall pay double the duty to be paid by inhabitants." On the queen was settled an annual revenue, for the support of her government and for the buying of warlike stores: to the governor was given, a custom of three-pence a ton on every vessel trading in Maryland, "except such as belonged wholly to the people of the province." Seymour transmitted the memorable laws of the session of 1704, with explanatory observations, which evince, that, while he was himself

gratified, though at the expence of strangers, he did not foresee that he had consented to acts of assembly, which, by awakening the commercial jealousy of England, would necessarily incur the censure of his superiors.

When the merchants of London heard of regulations so inconsistent with their interest, they stated their present hardships and future danger to the Board of trade, in language, dictated by the impression they had made: "It is remarkable, how the assembly pretend to extend their laws to all Britain, without any man being heard: if such plantations have power to make ordinances so destructive of the credit and trade of Europe, it is most certain it gives them power in time to dismember themselves from the mother-country and their dependence thereon; which is a consideration that ought to be well digested:" and they hoped, "that the queen's subjects of Europe may be supported in the same freedom and privileges of trade with the inhabitants of this or any other colony." Of the various laws, which were thus represented as dangerous in principle and inconvenient in practice, the act for the relief of debtors, and that for reducing the damages on protested bills of exchange, were alone disallowed by the queen, because the Board had determined, "that they were not fit to be confirmed." To disabilities, which had thus been imposed "without being heard," to taxes granted without representation, the British traders have to the present times been obliged to submit, because, though they often complained, the minister's attention has never been equal in vigour to the assemblies continual perseverance.

That

That country is seldom long happy where penury is fired with ambition. Notwithstanding the zealous endeavours of the legislature to promote her interests, the repose of Maryland was somewhat disturbed by a conspiracy of the indigent, who attempted, in 1705, with the aid of the Indians, to seize the government; in order to discharge their incumbrances by assuming the administration. A timeful discovery disappointed their flagitious purpose. And Clarke, the principal conspirator, being outlawed and attainted by the assembly, the province derived future security from his exemplary execution. Yet it was supposed not to prosper, while the inhabitants felt not the energy of their Pennsylvanian neighbours; while they continued, what they were now by beholders represented to be, "a careless unthinking sort of folk." Animated by the passions of the multitude, the president and council stated to the Board of trade, in November 1710, "that, while English manufactures were very dear and tobacco of little value, the people were oppressed by avaricious creditors, and in these deplorable circumstances, the planters, to whom their servants had become a burden, removed from the province in order to prevent their imprisonment." During the existence of a war, to the expence of which the provincials had not contributed a penny, though they complained of their insupportable burdens, the late hostility between debtors and creditors continued: and, notwithstanding the remonstrances of English merchants, of whom it was remarked, "that they had given too much credit to the people," laws were constantly passed "for the discharge of debtors;" for relieving the inhabitants from aggrivances in the pro-

“secution of suits at law.” Yet all general representations contain a portion of falsehood, or the removal of the needy promoted the augmentation of the industrious: no country ever added so much to her population in the same short period as Maryland during the reign of Anne: few communities have perhaps acquired more real wealth, because with the increase of numbers the sum of general labour was augmented, and distress, either feigned or real, opens new veins of traffic.

V I R G I N I A.

THIS fine province, which, at the commencement of the present reign, contained fifty thousand inhabitants, enjoyed the greatest prosperity, during the peace subsequent to the treaty of Ryswick, though its tranquillity was somewhat disturbed by faction, as it contained “some persons who were dissatisfied that they had not “the direction.” Little was it prepared for the war of Anne, since its ten thousand militia were undisciplined and its magazines were empty. To the requests of the assembly the queen granted warlike stores of the value of three thousand three hundred pounds, which the governor was directed to repay from the revenue of quit-rents. In the moment of conferring a favour, she renewed the former requisition of William, to grant a quota of aid to New York. In vain the governor used every art to induce the burgeses to comply with the royal desires, when

when “endeavours had been used to procure the choice
“of such members as should oppose what was disagree-
“able to a prejudiced people.” The assembly excused
themselves, by alleging that New York ought not to be
regarded as a fortified barrier to them. Foreseeing how
prejudicial it might be, should the French hear of this
refusal, Nicolson, by advancing himself the quota of nine
hundred pounds, gained celebrity from historians, who
knew not that the money was returned when it was
deemed imprudent to fulfil the condition which had
been annexed to the gift. And his zeal was praised by
the Board of trade, while they lamented, “that the as-
“sembly had shewn so little regard to the queen’s
“demands.”

Though Virginia, as well as Maryland, felt not the
attack of an enemy, the commerce of both was extremely
interrupted by the various events of the war. The Vir-
ginians resumed in the present, a measure which a simi-
lar necessity had induced them to adopt, during the late
reign: when European supplies were withheld, they
engaged in the manufactures of linen and wool: when,
however, the assembly gave encouragement to fulling-
mills, the Board of trade, influenced by the commercial
spirit of England, rejected a law, so inconsistent with
her interests. The ministers reviewed, in the same spirit,
a code of laws, compiled by the provincial legislature.
A few bills they returned with amendments, for farther
consideration: they rejected “the act for better securing
“the liberty of the subject,” because they probably pre-
sumed, that the Virginian privileges had been already
ensured by the general jurisprudence of England. The
irregularities, no less than the high political maxims,

of Nicolson, enabled a combination of counsellors to procure his recal, as they had formerly removed Andros, his predecessor, at a time when they wished themselves to engross all authority,

In August 1705, the government was assumed by Notte; whose "moderate ways, it was said, would in " a little time silence scandal, which hath lately been too " much instilled by uneasy persons." Yet the counsellors were dissatisfied with the instruction which excluded them from acting as naval officers, because their overgrown power had incited the jealousy of the Board of trade. He easily procured the assent of the assembly to the bills which had been amended and transmitted from England. But others he rejected, as they invaded the authority that had been given him in trust, though he was unsupported by the council, who ought to have given him advice. That local legislature passed an act, declaring that none should execute an office, who had not resided three years in the colony; which was disallowed in the subsequent reign, because, custom-house officers being prosecuted, it was declared to be erroneous in policy, and contradictory to the statutes of William. The revenue-bill, which the delegates supposed so complimentary to the sovereign to whom they were indebted for favours, she afterwards repealed, because she was advised, that it was destructive of trade, while it invaded her prerogative. Yet the delegates granted three thousand pounds for building a palace for the governor, since they wished to gratify their vanity: they refused, however, to erect fortifications for the defence of their ports, pretending inability, while they hoped the queen would apply the whole revenue of quit-rents for that salutary purpose.

purpose. And the decease of Notte at the expiration of a twelvemonth transferred to the counsellors "the
" sole government, which, it was said, some endeavour-
" ed to confer on them, by lessening the prerogative in
" all things."

Though Virginia now enjoyed tranquillity, as the voice of faction was no longer heard, yet she did not prosper. Her coasts were invaded by privateers, while the guard-ships, furnished by England, were employed on services less advantageous to either. At the same time that the province justly complained of the scantiness of the supplies of European manufactures, her staple-commerce declined, because the Dutch were said to have procured large quantities of tobacco from Germany. And the parliament, by permitting the direct exportation of that commodity in neutral ships to France sacrificed their favourite system to the interests of Virginia and of Maryland; which, of all the continental colonies, then only merited their commercial care,

In December 1710, a policy was adopted, with regard to Virginia, no less unsalutary than unjust, which continued however to the present times; which seems never to have answered any other purpose than that of giving to those whom the ministers wished to favour, station and emolument, without exacting a duty. With this interested design, the earl of Orkney was now appointed commander in chief, who, for almost forty years, enjoyed a considerable revenue without performing one act of government. Nothing had been more wise than the appointment of a chief ruler of high rank and extraordinary talents, to counteract the designing and to over-
awe

awe the factious, during a season that secret attempts were made on the governor's station; that the royal prerogative and the jurisdiction of England were openly invaded. Spotswood, who had been bred from childhood in the army, who has been justly praised, by history, "for understanding the interests and nature of the provincials," was sent to rule Virginia; to discharge an important trust, though he was to receive a diminished salary. He was put in remembrance, that the Virginians supplied the enemy with provisions by means of flags of truce, and ordered to prevent that insidious traffic: he was told, "that, should the assembly continue to offer bills laying burdens on the shipping or commodities of this kingdom, he would do well to reject them."

In June 1710, Spotswood was received by the Virginians with acclamations, because he had brought them liberty. Influenced by her new advisers, who have been however honoured with colonial hatred, the queen gave, unsolicited to the provincials, the invaluable benefit of the habeas-corpus act, which had been denied by the late ministers, when their representatives endeavoured to extend it by their own authority. The two houses of assembly separately transmitted their grateful thanks to that princess, for conferring on them "a relief from long imprisonments;" which they might have claimed as a right belonging to every subject of the crown. And, from the conduct of both parties, we may infer what was the prior practice and present opinions. While they yet remembered recent favours, the assembly of October, 1710, are said "to have shewn a due regard to her majesty's

“jesty’s service,” though they could not be persuaded to see their defenceless condition, since the certain expence appeared more immediate than the distant danger.

When that zealous officer heard of an intended invasion of the French, during the summer of 1711, he did all that could be expected from his talents and activity for the defence of a country not easily protected, since its navigable rivers invite a naval enemy to universal plunder or conquest. When the assembly was convened, in order to consider their present weakness; to discharge the claims which had arisen from late efforts; their native jealousy revived. They refused to pay the expence of collecting the militia, or to discharge the public debts, because “they hoped, by their frugality, to recommend themselves to the populace.” Yet the delegates, that they might not preclude themselves from the benefit of excuse, proposed to levy taxes by modes, which they probably knew would not be accepted. They voted twenty thousand pounds, which were chiefly to arise from duties imposed on British manufactures. Notwithstanding the governor’s message, “they insisted on giving greater privileges to Virginia owners of vessels than to British subjects; saying, that the same exemption had always existed.” And they gave two thousand pounds for completing the palace of the chief magistrate, as they found a gratification in what did honour to themselves. But Spotswood at length discovered, that perverseness is seldom softened by recrimination. Finding, even after a prorogation had given time for consideration, that nothing could be expected from men regardless of duty, he dissolved the assembly, expecting

expecting the same members to be returned with additional zeal, who had gained approbation from refusing money and thwarting a governor. While he foresaw the approach of an Indian war with a powerful tribe, and lamented that there was no fund to answer sudden emergencies, he applied to England for the usual stores of war, which she seems to have supplied during a moment of disgust.

When the clamour of the public creditors induced Spotswood to call a new assembly in 1712, they appear to have performed more than he expected of them. They discharged most of the debts, when he demonstrated, that the standing revenue had been so defective, during two and twenty years, as to require seven thousand pounds from the queen's private estate to make up deficiencies. They gave unwilling assistance to the distressed Carolinians, since they did not love them. And they enabled him to defend the frontiers against Indian incursions, which had involved the settlers, in some measure, in the sad fate of their southern neighbours. Though the militia were disqualified for action, as they had been long enervated by the pleasures of peace, the governor's vigorous conduct easily compelled the surrounding tribes to sue for pardon. Having thus ensured the quiet of the province, his good sense at length promoted its prosperity by enhancing the price of its staple, since he procured a law, though the prejudices of the vulgar opposed him, which rendered it really more valuable. And he at length acquired the temporary confidence of the delegates, by shewing that he was worthy of it. When the principles and pursuits of a people are the same, their annals assume a similar appearance, because their actions must

must be nearly the same. Nothing therefore can be more like, than the provincial events in the histories of Virginia and of Maryland during the reign of Anne. Both complained of emigrations, owing to the poverty of the people, yet added one third to their population: both thought their commerce ruined and their inhabitants undone, yet each opened new sources of traffic, and gained additional wealth: and both denied the requisitions of their sovereign, and invaded the jurisdiction of England, though they had each received favours from the queen and from the parliament.

NORTH CAROLINA.

THIS most inconsiderable community has never relinquished the flattering gratifications of self-rule even when they were inconvenient. Having refused to join in legislation with their southern neighbours, the inhabitants were delivered over to their discontents: having denied submission to the deputy-governor sent them from Charles-Town, the proprietaries seem in despair to have relinquished them to their own management in 1695, without inquiring for seven years after whether they prospered or declined. During that gloomy period, New England alone cultivated her former commercial connection with them; supplying their inconsiderable wants, and carrying their tobacco and their corn without restraint

strait wheresoever interest directed her traders. When the original planters had added to their numbers, the fugitive debtor and criminal who resorted from every colony to a settlement where they were offered protection; and had engrafted New English maxims upon their stock of native principles; such specimens of turbulence were given by them to the other provinces, during the reign of Anne, as may be conceived but cannot be described.

During the prevalence of such sentiments, Johnson, the supreme governor, appointed, in 1703, Cary as his deputy over North Carolina; who, trained amid the seditions at Charles-town, had been himself a most active partisan. His rapacity and misrule were such as might have been expected from such a character. And, while the proprietaries removed him from a charge of which he had shewn himself unworthy, they empowered the counsellors to choose a president for themselves; who, acquainted with the people, might be able to close divisions and to promote peace. And they nominated Glover, because they thought him equal to that difficult task, since, by partaking in their adversity, he had acquired a knowledge of their affairs. But Cary was not of a temper to sit down easy under his late disgrace. And “being joined, as Spotswood asserted, by certain Quakers intrusted in the administration, gathered together a rabble of loose people, and by force of arms turned out the president and most of the council.” Of the Quakers it was said, “that they had had the cunning to set that country in a flame, and all but themselves in arms against each other.” And Jennings, the secretary of Virginia, wrote the Board of trade, in
September,

September, 1708: "that the conduct of parties could
"only be resembled to the freaks of madmen."

Of Carolina, Tynte was appointed general-governor in January, 1709. The proprietaries sent Hyde to North Carolina as his deputy in the subsequent year; but, with singular imprudence, directed him to apply to his principal for powers. Upon his arrival, he found that Tynte had already yielded to the climate, and saw himself in a turbulent province without authority: and here "he discovered that nothing but sedition had been industriously cultivated, and rebellion too much practised." Yet, convinced that he had been appointed governor, the principal inhabitants, and even Cary himself, requested him to assume the administration as president, till his commission should arrive. Unhappily he knew not how much practical wisdom there is in doing nothing. By unadvisedly calling an assembly in March 1711, he gave a pretence to those who already repented of their choice. Cary and his adherents, fearing to be called to strict account for their recent delinquencies, protested against the convention and urged the people to resistance. Having impeached those turbulent incendiaries of crimes, the delegates ordered him to be arrested, without reflecting that their power was not equal to their zeal. He not only raised the standard of defiance, but again declared himself president amid the acclamations of a misguided multitude: and, having procured an armed ship "from a leading quaker," he sailed with other vessels to attack Hyde and his council. In this extremity, the aid of Spotswood was earnestly asked. That admirable officer, with a good sense and vigour, which were highly approved in England, sent Clayton, a man remarkable

markable for prudence, to propose terms of reconciliation, but to denounce hostility against him who should prefer contest to peace. And, Cary having persevered in his purpose, Spotswood ordered a detachment of militia towards the Carolinian frontier, while he sent a body of marines from the guard-ships in order to destroy his naval force. Upon their approach, that flagitious insurgent fled with a few of his principal followers to the western extremity of the settlement, where they meditated revenge, since they could no longer hope to enjoy power. And, with the temerity natural to the rebellious, they called in the aid of the Tuscaroras, a powerful nation; never reflecting, in their rage, that, while they endeavoured to ruin a party, they might destroy a province.

Haunted however by their terrors, they not long after retired into Virginia, pretending that they sought an opportunity to submit their grievances to the proprietors. Here, Cary, Porter, and other conspirators, were seized by Spotswood, in July 1711, and sent prisoners to England, charged with foreign treason. At the same time that the chief rulers solicited the exemplary punishment “ of such dangerous incendiaries,” the president and council of North Carolina wrote the secretary of state, “ that they should consider it as an act of compassion to “ them, if the criminals were sent to Virginia for trial, “ because the charge of a prosecution in England would “ ruin the country.” None of the parties, during the violence of resentment, reflected, on what affords the most pleasing consideration to Englishmen, that, without evidence, the greatest or least offender cannot be punished. And, pressed with present inconvenience, without
foreseeing

foreseeing all the consequences of his policy, lord Dartmouth was induced to write circular letters to the colonies in August 1712, directing the governors "to send over no more prisoners for crimes or misdemeanours, without proof of their guilt." From this order, equally humane as just, the provincials derived impunity as well as additional security, since the officiousness of officers was checked, and criminals were not thenceforth transported beyond the ocean, because evidences could not always be transmitted with them.

The American savage has at no time required strong incentives to commence hostilities. On the 22d of September 1711, the Tuscaroras attacked the settlers around the sources of the rivers Pimlico and Meuse without recent provocation: and, without complaint of grievance, they massacred, with undistinguishing fury, one hundred and twenty persons; sparing neither the weakness of age nor the delicacy of sex. Here began the Tuscarora war, so fatal to Carolina, so perplexing to Virginia, so destructive to the tribe who had thus commenced it without a cause, since they thought they perceived an advantage. Against that dreadful enemy Hyde could levy very unequal forces. The one half of the inhabitants of this petty province were Quakers, because, while they were yet destitute of ministers, men naturally adhered to that sect which brought them exemption: the other half shewed a greater disposition to point the musket against their opponents than against their foes. During the complicated misery which faction had entailed on this wretched colony, Spotswood again made a vigorous effort to relieve it: he effectually prevented the tributary Indians from joining the enemy:

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And,

And, knowing "that there was little honour to be got
" from encountering a people who fight like beasts," he
endeavoured to work upon their hopes and fears by treaty,
though with no great success, because, destitute of funds,
he was unable to distribute presents. The war raged
with greater violence and the public distractions increased.
It was lamented, "that, since the burgeses could
" not get into power those lately concerned in the civil
" war, they shewed an inclination to sacrifice their
" country to their revenge." Owing to these causes,
this settlement was unable to wage even a defensive war.
And they owed that safety to the aid of their neighbours,
which they could not derive from their own efforts.
The zeal of governor Craven, which was invigorated
by the liberality of the assembly of South Carolina, sent
a large body of their Indian allies, with a few provincials
under Barnwell, against their barbarous enemy, during
the winter of 1711-12. Having gained some success in
a few rencounters, in which he was opposed by a resistance
of unexpected gallantry, he concluded a peace
with the Tuscaroras on no very advantageous terms; because
many of his friends deserted, that they might, according
to their manner, mourn their loss at home. But he disgraced
his country and himself by falling upon several towns, the
inhabitants of which slept in the unsuspecting security of
peace; carrying those into miserable captivity whom his
treacherous sword had spared. The Tuscaroras instantly
renewed hostility with redoubled rage: committing in their
revenge more horrible massacres on a defenceless people.
When the assembly perceived that the contest was now for
their existence, they raised four thousand pounds, which seem
to have been

been all that their various embarrassments allowed them to grant: yet, in a moment that every man's aid was necessary, they found so many Quakers who claimed exemption from military duty, that they were obliged to send for two hundred recruits to Virginia. And Spotswood exerted his usual zeal and talents to give effectual relief to men, who honestly confessed, "that they could not comply with stipulations."

It was however from the exertions of South Carolina that they at length derived their safety and deliverance. During the winter of 1712-13, Moore conducted eight hundred Indian warriors, composed of many different tribes, against the Tuscaroras; who were at length driven from their native woods, and reduced to that want and wretchedness, which they had without remorse inflicted on others. Yet a feeble warfare depopulated North Carolina till January, 1714; when Spotswood concluded a satisfactory peace with various hords who had been drawn into the contest; because, while he shewed them that he could chastise their insolence, he felt for their fate. And nothing could be more happy than an event which freed the settlements from that dreadful scourge, since the five confederated nations had given secret aid to the enemy and now shewed an inclination to send them avowed assistance. It was on this occasion that the Tuscaroras, annihilated as a people, were admitted into that powerful league, and thenceforth formed a sixth member of its singular association.

The private as well as public contests continued to harass this wretched plantation, because the vehement passions of the people remained. Uninformed of the causes of those deplorable events, the proprietaries ap-

pointed Nicholson, in January 1713, whose knowledge of colonial affairs was supposed to be extensive, "to inquire into the disorders of North Carolina." But an inquirer, who approached the scene of trouble no nearer than Nova Scotia, could make no very satisfactory report. Of the infectious example, which the turbulence of the foregoing period set before the other provinces, complaints were made to the ministers of England, since Spotswood lamented, "that the Carolinians instil their pernicious principles into the people here." And, without the suggestions of others, the proprietors at length discovered that to have been always just, which had been foretold at the epoch of Culpeper's rebellion, in 1677: that unpunished disobedience would provoke the renewal of turmoil; that the impatience of rule, resulting from it, must promote the continuance of anarchy; and that, amid universal confusion, their authority would be irrecoverably lost in the settled contempt of their tenants.

S O U T H C A R O L I N A,

A province, containing less than seven thousand inhabitants, had not yet settled into repose since the contests of the late reign, when a new war was announced. An attack on St. Augustine was instantly projected by Moore; who probably wished to cover the irregularity of his recent election as governor by the splendour of his exploits. A majority of the assembly, actuated by the
same

same passions, granted two thousand pounds for the execution of a purpose, that was to add security to their southern frontier. In September 1702, Moore entered that ancient metropolis of Florida, which, like the other Spanish settlements, was in those days defenceless; which he gave up to plunder, according to the predatory maxims of the age and of the men. But the citadel set him at defiance till it was relieved by a Spanish fleet, which in its turn obliged the Carolinians to retire into their own country with some circumstances of disgrace. Clamour naturally succeeded disappointment. The assembly discovered, when their apprehension was quickened "by the threats" of military creditors, that a debt had been incurred, by this improvident expedition, of six thousand pounds sterling; that an impoverished colony was unable to discharge this frightful sum, otherwise than by issuing bills of credit. Here is the epoch of the Carolinian paper-bills, which afterwards became so depreciated, the plan of which, with other lessons, the southern settlements had learned from Massachusetts, and ought to be regarded as the colonial mode of borrowing, in some measure resembling the exchequer-bills of England. The present currency was to be recalled at the end of three years by means of a tax imposed on liquors and peltry; the assembly observing to lay a double duty on English traders in order to favour their own. Complaints were soon made to the Board of trade by creditors, that the depreciation of the paper had defrauded them at the rate of thirty in the hundred; and the proprietors were induced to dissent to a law, which they at length discovered "to be so pernicious to the general interests." A greater clamour was raised, "that the

“ assembly should have laid higher duties on ships belonging to England than on their own.” And the Board, considering this interested conduct “ as prejudicial to trade,” procured the repeal of an act, illegal in principle and destructive in policy.

Sir Nathaniel Johnson was meantime appointed governor of Carolina, because his experience and his courage were deemed necessary at such a juncture. The assembly of April 1703, chosen amidst unusual tumult, thanked the proprietaries for sending them a ruler, who was the best soldier that had ever commanded there: and, while they acknowledged their attention to the defence of the colony, they begged them to solicit the queen “ for stores, and forces, and a frigate, without which they could not be safe, since their province was a frontier.” But their application seems to have been coldly received by the ministers, because, though the preservation of Carolina had not escaped their care, they remembered the recent attack upon the credit and navigation of England.

To other causes of dissention the appointment of Johnson, who had been a nonjuror during the reign of William, added that of religion, which had hitherto little engaged the passions of any. And the four thousand white, and consequently free persons, of every age and sex, who now inhabited this unhappy province, were regularly divided into the parties of Churchman and Dissenter: the first claimed pre-eminence, because they executed the powers of government; the second contended for equality, perhaps for superiority, since they thought themselves the most numerous and the most opulent. The assembly of May 1704, formally established the church

church of England; subjecting the dissenters to the payment of taxes for the support of her ministers; and empowering special commissioners to correct their morals, since they did not enjoy the superintendence of a suffragan bishop. Having acquired their present pre-eminence by a small majority, they anxiously endeavoured to retain it for ever, by enacting that none should vote in the legislature who did not take an appointed test. But the dissenters were not of a spirit to acquiesce tamely in innovations, which took from them their property for a hated purpose, and deprived them of power which they thought they had a right to enjoy. And they sent an agent to claim from England that protection which had been denied them in the province, because bigotry seldom finds a gratification in considerations of justice.

The proprietaries having however confirmed those religious laws, so agreeable to their views, perhaps so promotive of a mistaken interest, sent the aggrieved to look for more generous protectors. And the agent complained of their various hardships to the house of lords, during the session of 1705-6. Notwithstanding the arguments of counsel in defence of the acts of assembly, the peers did then what they have at no other time done: they resolved, without much consideration, that those ordinances were not warranted by the charter, and were at the same time unreasonable, and contrary to law; they besought the queen to use the most effectual method to deliver the colonists from their present oppression, thus illegal and unequitable. She coldly thanked them for throwing the burden from their own shoulders upon hers. Having, however, applied to Sir Edward Northey and Sir Simon Harcourt for advice, those eminent lawyers gave it as

their opinion, "that, since those acts were not made according to the charter, the queen may lawfully declare them to be void," though the power neither of dissent nor of revision had been reserved to the crown. In pursuance of their misadvice, those obnoxious laws were disallowed, and the attorney and solicitor general were directed to issue proper process for seizing into the royal hands a chartered authority that had been thus grossly abused. But, upon more mature consideration, they found, that, since several of the proprietors were peers, the privileges of the peerage threw effectual obstacles in their way. Had the lords been actuated more by policy than by zeal, they had passed a bill; declaring the nullity of the acts of assembly; and regulating a government, which they had discovered to have been exerted only for the oppression of the people. Had the proprietaries ordered those laws to have been executed in opposition to the royal dissent, which had thus been irregularly given, it would have soon appeared how little efficacy there was in recent proceedings, remarkable for good intention rather than for real wisdom. Here was a proper occasion for the interposition of the legislature, since the greatest jurists could find no common remedy for a singular case.

Though that transaction enfeebled the jurisdiction of the chief rulers, because discontent had now discovered protection, the disputes of the province became soon absorbed in the terrors of conquest. Perfectly informed of the affairs of every colony, the French and Spaniards determined to retaliate on Charles-Town what had been unwisely inflicted by the Carolinians on St. Augustine. Le Feboures, with a small fleet and army, made a feeble

ble attempt, in August 1706, to execute their purpose: but it was gallantly repelled by Johnson and the provincial militia, consisting only of nine hundred men. And the sole inconvenience, that the colonists seem to have suffered from this inconsiderate invasion, consisted in a new emission of paper, to defray the charge; which was circulated upon the credit of the same taxes as the former, and became still more depreciated; which, by an easy operation, transferred to the needy a proportional part of the property of the rich.

To little practical purpose the proprietaries instructed Tynte, when they sent him to govern Carolina, "to reconcile the minds of the inhabitants to each other, that the name of party may be extinguished," when the forms of the government naturally begat contention. Having lived to do neither good nor evil, the governor's death revived the animosities of the counsellors, by giving them an opportunity to decide, by election, whether Gibbs or Broughton should succeed to his power. Of all plants, one may regard political wisdom as the weakest in its shoots and the slowest in its growth, because in every soil it meets with many obstructions. It was not finally settled till the present reign, even in royal governments, that the absence of the royal representative should invest the first-named counsellor with all his powers. The administration of Gibbs produced relaxation of discipline and irregularity of commerce, since his pre-eminence had been gained by no very honourable means. To the Board of trade complaints were made, "that rice was carried in New England ships to Portugal, by the way of Rhode-island, a kind of free port, whence great quantities of goods were sent to other colonies."

“colonies.” In February 1710, the proprietaries promised, because they were again threatened with forfeiture, “to suffer no more flags of truce to trade in Carolina during the war; to use their utmost endeavours that the acts of navigation shall be observed.”

The virtues or the arts of Craven, who was appointed governor in December 1710, seem to have silenced debate, at least to have procured acquiescence. The succours which he sent to North Carolina, whilst her existence was doubtful, gained him the approbation of the humane and the thanks of the proprietors. But the revenues of the province were not equal to the extent of her enterprizes. And, partly in order to discharge debts, but more “to promote the convenience of domestic commerce,” a public bank was established by act of assembly, which issued forty-eight thousand pounds in paper bills, that were declared to be a legal discharge of every debt. This currency was lent by the body politic to the individuals, on condition of repaying annually a part of the principal. It required no acuteness in the merchants to discern that the planters had defrauded them of one half of their debts, when they paid in a money which had fallen in its value fifty in the hundred during a year: the traders of London discovered, without the help of the learned, that an assembly, who could oblige them to receive in payment what contained no real value, could by this means tax them without their consent, either for the support of their government or the discharge of their encumbrances. They exclaimed, without effectual redress, against the late act, “as injurious to trade, as a violation of the laws of the realm.” And the proprietaries recommended to the governor and council, though
their

their voice was feeble, to consider of expedients to prevent the mischievous consequences of an ordinance, destructive of credit, because inconsistent with justice, lest farther complaints should force them to repeal it. While the celebrity of the province did not invite settlers from abroad, and the climate did not promote the propagation of the human species, no great addition could have been made to its populousness during the present reign. Yet a supply of labourers was procured by a mode which disgraced the colony; by reducing the aboriginal Indian, the freest of men, to servitude; by involving in his fate the unhappy African, who was subjected in a manner more peaceful, though not much more honourable. Having acquired energy even from their contests, the Carolinians extended their traffic to the neighbouring colonies, to the Azores, to the West Indies, as well as to England: having introduced a variety of new productions, as demand incited diligence, their commerce had probably been augmented one-third since the demise of William. And the value of their whole property, including their lands, their slaves, and their cattle, their merchandize and profits, was calculated to amount in 1714 to seven hundred and nine thousand seven hundred and sixty-three pounds.

Thus, neither the policy of Britain, nor the conduct of her colonies, during the reign of Anne, merits much of our approbation. We have seen, in the colonial administration of the queen, nearly all the contradictoriness and futility of the late king. Though the prerogative was exerted, in various instances, beyond the limits of law, because the greatest statesmen of that age considered its powers as unbounded beyond the Atlantic,

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its just authority was almost annihilated amid the struggles of faction. While that princess gave the plantations a security for personal freedom, beyond former example, parties built upon the ruins of regal influence their own consequence, "as the leading men already began to talk of shaking off their subjection to the crown." The chartered governments indeed, still the most numerous and the most powerful, only executed their forms when they acted as independent communities, "as if they had been no part of the dominions of England," because confidence was invigorated by the failure of every attempt to reclaim them to duty. "Yet, such was the plan of government, said the intelligent Hunter, which they all aimed at and made no scruple to own." Though successive ministers were told, in figurative language, "that the colonies were then sturdy infants, sucking their mother's breasts, who would wean themselves when they came of age," measures were thought of, but not adopted, for counteracting the force of a natural tendency. And the documents, which contained the most satisfactory information, the most alarming warnings, the wisest maxims, were thrown into the general mass of the memorials of state, wherein they lay neglected, till, in the revolution of human folly, it became fashionable at length to complain that they had never existed. The parliament exerted mean time, over the plantations, every act of possible jurisdiction: they regulated their affairs and conferred on them bounties: they imposed taxes, external and even internal, which were appropriated, by the commons, "*for carrying on the war, and as funds for borrowing:*" yet, while the supreme legislature enacted rules for the colonies in all cases

cases whatsoever, the provincials "thought the laws of England little better than bondage and slavery, and as not extending to them by their proper vigour, since they had no representatives there of their choosing." Here is a picture, exhibiting a state of society for the instruction of mankind, of which the annals of the world had shewn no example*.

GEORGE

* It has been demonstrated, "that the most renowned jurists of the reign of William had no complete conception of the nature of the connexive principle between the present country and her colonies." Statesmen seem not to have acquired much additional knowledge, during what has been denominated the Augustan age. Here is the proof. Atwood, the chief justice of New York, who was an English lawyer, declared, on the trial of Bayard, in March, 1702: "that he did not say, petitioning the king was a crime, but it may be to petition the house of commons, in the plantations, where the king governs by his prerogative." [See the trial.] A greater chief justice than Atwood avowed similar doctrines. Sir John Holt insisted, in the case of Smith against Brown: "that the laws of England do not extend to Virginia; being a conquered country, *their law is what the king pleases*, of which we cannot take notice, if it be not set forth." [Salkeld's Rep. p. 666. Holt's Rep. p. 495.] Did not the state-papers support, in some measure, the accuracy of the reporter, we might suppose that he made that celebrated judge speak absolutely when he only spoke hypothetically: "if Virginia be a conquered country, the king may make for it such laws as he pleases." The notion of lord Holt is very ancient. When Henry VII. granted in 1502 a licence to Elliot and his associates, to discover unknown countries and to plant them with English, he empowered the grantees "to make laws for the new settlements." [Rym. Fæd. 13 v. p. 37.] In 1708, sir Edward Northey and sir Simon Harcourt not only approved of the sentiments of their predecessors, the attorney and solicitor general of 1694, "that, upon any default or extraordinary occasion, the king might appoint a governor for any proprietary province" [without any legal process to vacate the prior grant,] but gave it as their opinion, "that they could find no clause in any charter which prevented the queen from nominating a governor for such colonies at all times." [Prop. Ent. F. p. 24.] Thus eminent jurists thought the authority of the crown unbounded in the foreign

GEORGE I.

IN August 1714, George I. succeeded to the crown of England, and to the transatlantic territories belonging to it, under the parliamentary entail of the two preceding reigns. An event, so interesting to men, whose allegiance was again transferred to a new sovereign and a new family, was communicated to the colonies by orders, which, owing to shipwreck, were never received. And, without formal notice of his accession, that monarch was announced with universal joy; since many, without knowing it, wished for self-government, and few regarded the pretender to his title. Of all the plantations, Maryland alone thought herself bound by divine dispensation to acknowledge, by act of assembly, "that, on the dissolution of Anne, of pious memory, George was, and of right ought to be, by the laws of the realm of Britain, their sovereign liege lord." And without objecting, with the spirit of Anne, to the incompetent recognition of a local legislature, the compliment paid to his right was graciously received by George, because attentions are on every occasion pleasing.

Though that prince had thus gained great apparent power over the transatlantic dominions of the crown, his real influence could have been only equal to the weight of

foreign dominions of England. Yet we have seen the provincials, during the foregoing reign, completely explode the influence of the prince and overturn the prerogative of the crown. And here we behold the chief source of every contest which has flowed from that time to the present, and acquired a bitterness in proportion to the length of its course.

of his feeble predecessor. The early conduct of his ministers was little calculated to enlarge the sphere of his authority, at a time that the native principles of the colonists acquired from their futility additional strength. With the self-sufficiency of new men, they removed governors and other officers, however experienced and approved, in order to make room for numerous dependents, who claimed a participation in their good fortune. They degraded the Board of trade from a station of great influence, as well as use, which that respectable body had held since their institution, with great credit to themselves and advantage to the nation, to a commission of mere reference and report. And, like the statesmen of the two preceding reigns, they too often adopted measures without consideration, which they as easily relinquished when they were opposed.

Ministers, as well as men, reason and act from the circumstances in which they are placed. While lord Oxford's successors were engaged in his persecution, like him, they sat down to consider how to oblige the colonies to alleviate the burdens of Britain, since the expence alone of the cruizers for the protection of colonial commerce now amounted annually to 115,630*l*. One of the first acts of the first parliament of the new monarch directed the taxes imposed during the reign of Charles II. that had acquired the distinguishing name of "plantation-duties*," to be paid into the exchequer, because with other imposts they had been appropriated as a fund for borrowing. The revenue of the posts, established

* That system of revenue yielded nett into the treasury, on an average of the four first years of the late war, - - - - - £.917.
Of the four last years, - - - - - 1102.

tablished over every dominion of the state a few years before, was now applied towards the support of the dignity of the crown. And, in July 1717, secretary Addison asked the Board of trade, for what he thought it of importance to possess, "an account of the royal revenue in the colonies." But, while the ministers endeavoured thus to derive petty aid from colonial contributions, they did justice to colonial confidence by discharging bills of exchange, which had been drawn, to the amount of twenty-four thousand pounds, during the late expedition to Canada, and had been left unpaid by the late managers.

George I. was scarcely placed on the throne, when embarrassments flowed around it from the same source whence so many perplexities had poured in on his predecessors; which wise men had early foreseen and good men vainly deplored. In August 1714, Sir Edward Northey discovered, "that the mischiefs in proprietary governments cannot be remedied but by an act of parliament, since they have power to make laws by their charters, which cannot be regulated but by an act of the supreme legislature." Informed that eight of the twelve continental colonies still enjoyed real independence under chartered forms, the Board of trade wisely supported that judicious advice, by representing, "that, since neither Carolina nor Maryland, Connecticut nor Rhode-island, were obliged to submit their laws to royal revision, an act of parliament was necessary to compel them to do that, without which it was impossible to enforce their submission." With this salutary purpose a bill was brought in by the commons, early in the subsequent year, for regulating charter-governments.

vernments. But, having been opposed by the usual zeal of men, who see their interest or their independence endangered, the present measure was obstructed by the means which had defeated all preceding attempts. It was thrown out, because the ministers, ignorant of colonial affairs and engaged in ignoble contests for power, seem to have had no settled purpose to support it.

The committee, "appointed by the parliament, to inspect into the miscarriages and to prepare a bill to resume the grants of proprietary governments, were at a loss, it seems, to fix on proper reasons for doing thereof; since those concerned therein, by their authority and craft, stifled the evidence that might prove it most necessary." In July 1716, Stephen Goden, a British merchant, generously offered to the Board of trade "what he thought most weighty, and what ought to weigh most with all lovers of their country:" the charters having provided, said he, that the assemblies shall make no laws repugnant to the constitution and advantage of Britain, what can be more repugnant to both than to burden, by unequal taxes, the manufactures and shipping of this kingdom, whose traders they call strangers in respect of their own? thus, in Carolina and in Pennsylvania, wines of Madeira pay in the first double, and in the last much more than if they belonged to the livers in both; and the like impositions are laid upon vessels that are not built in those places, to encourage their own: thus British traders are treated as aliens in their own colonies: a duty is likewise laid upon the importation of English manufactures, to promote their own: now the proprietors, by ratifying such acts of assembly, thereby forfeit their charters; else they may

be truly termed independent of the crown and laws of Great-Britain; *as is often asserted in those assemblies.* The representation of Goden, equally judicious as it was well founded, urged the Board to inquire into its facts and to consider its policy: and, in September 1717, a royal order was transmitted to governors, who were either not bound to obey, or who were too dependent to offend those who fed them, “to pass no laws which may “affect the trade of this kingdom, unless their operation “is suspended till the royal assent is obtained.” Thus pretension was urged because contempt had been often confirmed.

Owing partly to the causes suggested by Goden, the population of the continental colonies had now swelled to 434,600 persons, including, at the commencement of the present reign, 375,750 white people, and 58,850 slaves*: and, with the successive augmentations of their numbers, their energy and their traffic had both been extended in proportion. From the smallest beginnings, the

* The following detail will shew more precisely the populousness of every province, and exhibit the relative importance of each, during the year 1715.

	White men.	Negroes.	Whole.
New Hampshire	9,500	150	9,650
Massachusetts	94,000	2000	96,000
Rhode-island	8,500	500	9,000
Connecticut	46,000	1,500	47,500
New York	27,000	4,000	31,000
New Jersey	21,000	1,500	22,500
Pennsylvania	43,300	2,500	45,800
Maryland	40,700	9,500	50,200
Virginia	72,000	23,000	95,000
North Carolina	7,500	3,700	11,200
South Carolina	6,250	10,500	16,750
	375,750	58,850	434,600

the commerce between Britain and those settlements at length annually engaged upwards of thirty-four thousand tons of shipping. The value of the exports thither, on an average of the three first years of the present reign, amounted to 395,619*l*; of the imports to 339,138*l*. The politicians who regard, as the supreme good, the balance of traffic that is supposed to run into a nation, could derive no great consolation from 56,481*l*. the difference between the value of exports and imports. The domestic commerce, which those northern provinces carried on with each other, was now nearly equal to that with the parent-country. The trade to the West Indies, British and foreign, to the Azores, and to Europe, was of larger extent than both. And it may thence be inferred that the whole navigation of the plantations on the continent annually required, at that epoch, two hundred and four thousand tons of shipping. As complaints against the irregularities of the smuggler were still continued, the second order of the present king was transmitted to the governors, in August 1714, "to take care " that no illegal trade be carried on with the French " settlements." It was lamented, that, as men grew richer, they became more confident, and, in proportion as they acquired greater boldness, the planters contemned, with a more resolute spirit, commands, which they had beheld often disobeyed without involving delinquency in punishment.

NEW ENGLAND.

THE wisest regulations, executed with the perseverance of system, can alone change the customs of a people. Neither the policy of prior reigns, nor the conduct of the present, was of a nature to make any alteration in New English habits, religious or political. And the democratical reasonings of the planters produced continued disaffection, because tumult always procured concession. Cummings, the intelligent surveyor of the customs, informed the Board of trade, in August 1716: "that the officers of the revenue meet with many discouragements in these proprietary governments, where all persons appointed by the crown are looked upon as an imposition." Bridger, the surveyor of the woods, added his testimony two years after, which he seems to have given on his own experience: "that all belonging to the crown are so obnoxious to the people in New England, since their minds had been poisoned with republican notions, that it is very dangerous to travel alone." Having discovered that the personal terrors of Bridger were not altogether without foundation, because a bullet, sent either by design or accident, passed near him in his chamber, governor Shute thought himself obliged to abandon Boston in 1722; whose inhabitants he represented to his prince "as lewellers in disposition." In January 1724, the secretary of state received information from men more disinterested than either: "that neither the king nor his governor

“ vernor has power in Massachusetts to do good or hurt
 “ to any ; and, though his majesty is most heartily pray-
 “ ed for by a perverted people as their titular sove-
 “ reign, themselves must have the uncontrollable pow-
 “ er to act despotically as they please.” To these sin-
 gular informations, Burnet added his respectable suffrage,
 when he assured the duke of Newcastle, in March 1728:
 “ I have seen so much of the temper of the people of
 “ this province, that I humbly conceive, some of the
 “ British forces will be necessary to keep them within
 “ the bounds of their duty.” Having thus found the
 original principles of New England flourishing in full
 vigour, it will be an easy task to trace up to their true
 source the real causes of every event during the present
 reign. And we shall discover, in our progress, that their
 example infused in the present, as it had done during the
 three preceding, reigns, their democratical habits into the
 settlements of the south.

Without official notice, George I. was proclaimed at
 Boston, in September 1714, amidst universal acclama-
 tions, because, no where had the supposed designs of the
 last ministry of Anne been more suspected and feared,
 though without foundation. The governor's irregulari-
 ty of conduct was overlooked, perhaps commended, du-
 ring the joy of the moment, since forwardness was deem-
 ed on that occasion of more use than caution. He soon
 discovered the importance of legal fictions in a country
 governed by law. As six months elapsed without recei-
 ving any confirmation of his powers, the council, re-
 garding his commission as no longer invigorated by act
 of parliament, assumed the administration under the au-
 thority of the charter. Dudley regained his command

in March, since the royal commands now restored him to power. Yet he was soon removed, though he had governed with approbation in difficult times, in order to make room for Burges, who, having fought under general Stanhope, now claimed a participation in his greatness. Yet, fonder of present gain than of dependent pre-eminence, the new governor sold his patron's favour for one thousand pounds to Shute, who had also served with reputation in the wars of William and Anne. This officer's religious and political prepossessions, no less than his natural imbecillity, rendered him one of the least qualified men in England for the arduous station he courted. While the Board of trade copied his commission from Dudley's, they doubted with regard to the propriety of empowering him to command the militia of Rhode-island, which his predecessors had enjoyed since 1691, because her agent put them in remembrance of her charter. Sir Edward Northey told them, in language that ought to have removed their scruples, "that he could not see but that a king of England might put the disposition of the military force of a foreign plantation in a subject, as well as the powers of government." Yet they thought themselves justified by the opinion of Ward and Trevor, in 1694, to continue an authority, which, having never once been executed, only enfeebled the power that gave it. That Addison should have approved of a measure impolitic, not to say illegal, will not surprise those who know that he has not derived much celebrity from his talents as a minister: but literature claimed his protection, when the governor was charged to suffer no publications, nor even the existence of a printing-press, without his licence. Sad
experience

experience ere long convinced Shute of the futility of his commission. The assembly of Rhode-island informed him, that they could not admit his pretended authority over their militia, since it was contrary to their charter. The printers of Boston, by exercising their trade in opposition to the governor's commands, acquired the merit of giving freedom to the press in the colonies; while the ministers at length discovered, that it answered only a bad purpose to issue prohibitions which could not be enforced.

When Shute assumed the administration, in October 1716, he found Massachusetts inhabited by ninety-four thousand white persons, who possessed only two thousand slaves; by twelve hundred civilised Indians, who professed Christianity and tilled their lands in peace. Their commerce of fish, of furs, and of timber, was prodigious, and they annually built six thousand tons of shipping, which formed part of their remittance to Britain. Urged by the œconomical spirit of the people, the manufacturers of cotton and of wool supplied the lower orders with clothing, of whom it was remarked to the Board of trade; "that they will be able in a little time to live without Great-Britain, and their ability joined to their inclination will be of very ill consequence."

The provincial legislature consisted of a governor nominated by the king; of a council of twenty-eight members, who were annually elected by the delegates; and of ninety-eight representatives, who were every year chosen by the counties and the towns of actual residents in both. And thus, said the Board, though the government be nominally in the crown and the governor is appointed by the king, yet, the unequal balance of the con-

stitution having lodged too great a power in the delegates, this province must continue in great disorder.

Since the peace of Utrecht, nothing had been heard in the province or the kingdom but complaints of the decline of trade and the deficiency of circulation, which were re-echoed with projects of banking, in order to stop the progress of the one and to supply the wants of the other. What was mistaken however as a symptom of debility, because men naturally complain of the passing scene, was really a sign of the most active vigour; having acquired a kind of energy from the exertions of the war, the colonists turned their efforts into new channels of traffic, and, having in their ardour for gain overtraded themselves, they deplored the distresses which their own imprudence had entailed. This province had soon cause to regret, what the wisest nations had already lamented, the fatal consequences of the rulers of free communities adopting in political œconomy the prejudices of the vulgar. Animated however by this sentiment, Shute recommended to the assembly of 1716 the decay of commerce and the scarcity of money. And, urged by a recommendation, that, though unfounded, was so agreeable to them, they issued, as a remedy for every commercial evil, a second loan to the various counties, in proportion to the extent of their taxes, of one hundred thousand pounds in paper-bills; which at the end of ten years were to be again repaid: but it was soon perceived, than an attack on credit, by enabling the indigent to discharge their debts in what contained only nominal value, neither gave energy to trade nor replenished the coffers of those who entered into engagements beyond their abilities. In the same spirit of selfishness,

ness, the assembly imposed a duty on British ships trading in their ports, by an act exempting their own; which was soon disallowed in England, as inconsistent no less with her views than her laws. To a harmless ruler, to whom were now given, as his temporary allowance, twelve hundred pounds of depreciating paper, there as yet appeared no opposition, as he had attacked no one's interest nor offended any man's pride; though it was ere long insinuated, that, having resigned his placid spirit to the government of persons of high political maxims, it behoved the people to be careful of their privileges.

When the pacification of Utrecht had given security to the eastern frontier bounding on Nova Scotia, and the diligence of men had acquired a new direction from the prospect of gain, the traffic of lumber and the convenience of fishery invited settlers into the district of Main. And thither the Irish emigrants, oppressed at home, resorted in considerable numbers, where they expected ease without care, and wealth without labour. In order to give additional safety to the planters, Shute held a conference, in August 1717, with the tribes of Kenebeck and Penobscot, whose strength consisted of five hundred warriors. The progress of the treaty evinced the inferiority of Shute to those, who were denominated savages, in the essential qualities of the man: in vigour of sentiment, in force of eloquence, in politeness of manners, because he constantly interrupted their orators, while they listened patiently to him. He offered them a bible with the same hand wherewith he grasped their lands: in vain they pleaded for their native possessions, and their independence, on which they saw daily encroachments, because

because avarice absorbs every other passion. They retired in disgust. And, though fearful of immediate warfare, since they distrusted the French as well as the English, they apologised for their abruptness of departure and sought for reconciliation, they finally went away with a determination to defend that by force, which interest-ness had denied to their entreaties.

In making room for the operations of tillage, it was natural for the settlers of Main, which was then covered with an unbounded forest, to destroy the masts that had been reserved for the navy of England. The king's surveyor endeavoured to protect the pines, by threats and prosecution, against those, whom he described "as factious, disloyal, and malicious, persons; who stick at nothing to carry their point." Yet they soon acquired powerful patrons, who justified their conduct as legal, and avowed their proceedings as just. Irritated by the loss of a trivial office, Cooke, one of the representatives of Boston, travelled purposely into Main, to urge perseverance, by assuring the wood-cutters, that he would save them harmless notwithstanding their oppressors authority. Having procured subject for recrimination, he introduced the business into the assembly of November 1717, because he at once gratified his revenge and gained popular applause. The timber, growing on a country of a hundred miles extent, was now claimed as the property of the people, since the ancient corporation had purchased, in 1676, the province of Main, of Gorges, the proprietor. One member, influenced by Bridger, pleaded, in support of the rights of the king and the nation, the two statutes of Anne, which had been expressly enacted to enforce the reservation of the charter of William. But

But "he was very smartly answered, that acts of parliament were of no force with them, as they had a charter." And the representatives supported Cook and condemned Bridger, because this conduct promoted their own interest, while it pleased their constituents. The Board of trade applied to West, their counsel, whose candour and learning qualified him, as a judge, to decide the controversy. While he questioned whether the corporation could have legally purchased of Gorges, since their charter contained no special licence for the acquisition of lands, he gave it as his opinion, that the patent being vacated by a judgement of a competent court of justice, its privileges reverted to the crown: and, though the general property in the soil had been transferred to the people by the charter of William, yet it must be deemed subject to the reservation of the masts to the crown. Having approved of this judicious report, the Board sent it to the treasury with a request to transmit it to the governor, to be laid before the assembly; and they endeavoured to enforce their advice, by remarking, "that, should this policy prove ineffectual, a scire facias ought to be immediately brought against their patent." Whilst Bridger ran personal hazards in defence of the rights of the nation, the ministers superseded him, though he had faithfully performed his duty, in order to gratify Dummer the agent, who at once gained applause in the province, by removing a zealous officer, and money by the sale of the office. With a spirit which merited greater attention, the Board sent a remonstrance to the lords of the treasury: "We hope Burniston is not to act by deputy, as we have reason to believe that a deputy will not be able to execute the office, since

" Bridger,

“ Bridger, who is allowed to have every qualification
“ and has been very active, has not been able to hinder
“ the ill-disposed inhabitants from committing great
“ waste.”

This singular contest, in which we see the rights of England vigorously attacked by the provincials and feebly defended by her rulers, begat disputes, which, while they agitated this turbulent province almost beyond example, compelled the governor at length to retire. The public as well as the private conduct of Cooke induced Shute in an evil hour to exercise the right that the charter conferred, of denying him a seat in the council, to which he had been chosen by the delegates favour. The disapprobation of the governor conferred the applauses of the colonists on a man, whose malevolence never ceased to pursue the object of his hate till he had driven him from the province. The assembly of May 1718 endeavoured to promote the interests of religion, by “ more effectually providing for the support of ministers,” by compelling every sect to support the Independents, contrary to the spirit of the charter: they shewed a laudable attention to literature by enforcing the law, which required every town “ to maintain a grammar school.” While, from the prodigious depreciation of the paper, the commercial interests of the province were injured, they gave encouragement to the raising of hemp, in order to promote domestic manufacture. They attempted to extend their fishery by improving the staple, by a law which was disapproved of in England, because foreigners complained that the merchandise was of less value than ever, as additional frauds were committed. For the payment of internal charges, the delegates granted

ted a duty on all ships but their own ; on the importation of British manufactures : but ordinances, which were regarded " as a great hardship on British owners," met with the royal dissent ; the Board of trade recommending, that the assembly should be warned, " that the passing of such acts may endanger their charter ; that " the governor ought to be put in remembrance of his " oath."

Having gained from the treaty of Utrecht a right to the island of Cape Breton, the French endeavoured, with their usual address and activity, to draw from it every advantage. They soon frightened the English colonists with another Dunkirk ; they gained the affections of the neighbouring tribes ; and they extended the advantages of fishery. But their prosperity attracted the envy of the provincials, who have but too often complained of encroachment, when they should have imitated the example which their diligence set before them. Yet, during the year 1718, Shute sent to Louisbourg an active officer to remonstrate against French practices, who, when he found that neither his arguments nor his threats were regarded, destroyed the huts that the fishers had erected on the litigated shores of Nova Scotia. Reiterated complaints had been made by the New English, during the present reign, which, with recent occurrences, induced the ministers to think of deriving every benefit from the late pacification ; that had been exploded by them as dangerous in principle and defective in stipulation. With this view Bladen and the younger Pultney were sent to Paris in August 1719. Having sat down to form their instructions, the Board of trade were alarmed, when they discovered what had really existed since
the

the reign of William, that the French had formed the dangerous project of settling from the confluence of the river St. Laurence along the great Western lakes to the mouths of the Mississippi: when they perceived the astonishing increase of the French power, they feared that one day it might prove the destruction of the British; never reflecting, in the moment of alarm, that Massachusetts alone contained five times the number of the French settlers, and advanced to power and greatness with five times greater rapidity. The superiority of France consisted only in the consistency and vigour of her counsels at home; in the simple forms of her transatlantic governments; in the greater talents and obedience of her provincial officers. The intelligent persons, who were consulted by the Board with regard to this interesting business, differed widely in opinion: Harris contended against the settlement of general boundary, because "we should lose what we give up:" foreseeing all the difficulties of discussion, Cox, whose views were larger since he had reflected more on better information, insisted that much should be relinquished, that we might enjoy the remainder in peace; and he actually proposed, what was established at the peace of 1763, that the course of the Mississippi should be the future limits; ceding to the French the western shore, on condition that they resigned to us the eastern. The Board determined, since it seemed to be the sense of the ministers, to give instructions only with regard to the adjustment of the rights of fishery and the extent of Nova Scotia. In reviewing the colonial policy of England, it is amusing and at the same time unpleasant to remark, how often statesmen drew conclusions directly contrary to their own premises.

Bladen

Bladen and Pultney spent many agreeable hours with the marshal D'Etrées and the Abbé du Bois, without gaining the inconsiderable object of their embassy.

In Massachusetts, the session of 1719 passed away in contests between the two houses, with regard to the laws which had been rejected the preceding year in England: the delegates imposing the same taxes on British manufactures and ships; the council amending their bills, in order to avoid future danger. The governor drew aside the veil which concealed the weakness of his sovereign's power, by entering into a formal contest with the representatives, in respect to the right of printing. Having denied his request, "to publish no remonstrance against " Bridger," the feeble defender of the king's words, he informed them, that he had been invested with a jurisdiction over the press, which he was determined to exert, by preventing publication. Against the contumacious printers he applied to no purpose for the advice of his counsellors and the aid of his attorney-general, since neither could find any law to support a prosecution. And, having complained of his dilemma to the Board of trade, they observed the most prudent silence. It is from the year 1719, that we ought to date the freedom of the press; which thenceforth poured forth its libels, numerous and virulent, in proportion to the late restraint, without distributing, as an antidote, the productions of genius or the warnings of morality.

When the assembly convened in May 1720; a year, of which it was remarked, that trade declined and dissensions rose to a greater height than since the religious feuds of 1637, contest began with the choice of the speaker. Shute denied his approbation to Cooke, whom he had
already

already expelled the council for his republican principles and seditious conduct. The delegates firmly supported their choice, which they regarded as one of their chartered rights, and attempted to proceed on the accustomed business without regarding the governor's denial. When his persuasions could not induce them to adopt a person who had at least offered him no personal insult, he dissolved the assembly with regret, because he foresaw that the same members would be returned, as the electors deemed the denial of the speaker an attack on their privileges. To the Board of trade he lamented: "that the common people of this country are so perverse, that, when any person is removed from the council for behaving undutifully to the king, he becomes their favourite, and is chosen a representative, in which station he acts the same part." Sir Robert Raymond asserted, that the governor might properly exercise the right of refusal, since the charter gave him a negative in the choice of all officers. But the judgment of that illustrious lawyer did not decide the controversy, because "the people here pay little or no regard to such opinions, or to the orders of the ministry at home."

Though the same members were returned to the assembly, in July 1720, a different speaker was chosen, because Cooke was destined for more active duty. Their proceedings evince with what temper they met. They remonstrated against the late dissolution, in such language, as shewed how much they resented the disgrace of their predecessors. They chose officers by their own votes, though by the charter the consent of the counsellors was requisite. They informed the governor, that, "considering

“dering the low circumstances of the province,” they would in future allow of no expences for the accustomed rejoicings on the king’s birth-day. They rejected several bills sent them by the council; for preventing illegal trade to Cape Breton, for prohibiting riots and libels; because, “some imaginary ill advisers were to be “given up to the resentments of the multitude.” The governor had cause to complain, “that he was reduced “to the sad necessity of infringing his instructions, or “risking his support by offending the house.” They offered Dummer, the lieutenant-governor, as his salary, thirty-five pounds of depreciated currency, which he rejected with the disdainful spirit that had dictated the insult. Having made an unusual adjournment, they sufficiently expressed their contempt for the royal authority, by neglecting to assemble when the governor formally called them.

The dissatisfactory conclusion of the treaty with the eastern tribes, in August 1717, did not promise lasting tranquillity. Having every year evinced the depth of their resentment by committing murders, as they perceived the settlers advancing on their hunting-grounds, they plundered the village of Canso in Nova Scotia, and not long after committed depredations on the adjacent frontiers of Massachusetts. The governor wisely endeavoured to prevent, by amicable conference, ultimate warfare, from which neither glory nor advantage could be expected in return for its certain expence and danger. The assembly having meanwhile convened, the delegates instantly passed a resolve, which amounted to a declaration of war; which, however, the council rejected, since they perceived, with regret, that it tended equally to in-

volve the province in bloodshed and to invade the royal prerogative. While the governor justly regarded the resolution as an insult offered to his powers, the representatives adopted a measure that sufficiently evinced the extent of their aims: they determined to appoint proper persons to superintend the garrisons, to muster the forces; and to pay no money for the support of either, which had not been previously approved by this military committee. And, though Shute laid before them the royal requisition to allow him an honourable establishment, they deducted one hundred pounds from his scanty allowance. He informed the ministers, in June 1721: "that the assembly, composed of men more fit for the affairs of farming than for the duty of legislators, shewed no regard to the royal prerogative or instructions, but endeavoured to transgress the limits of the charter, though he was indeed supported by the council, who themselves wanted assistance."

While the members were thus predisposed, from their connections and their habits, to take directions from men who hoped to gain from their delusion, the assembly met, in March 1721, to no salutary purpose. Without ceremony they disregarded every recommendation of the governor. As Shute had neglected, what had been usual at the beginning of every year, to appoint a public fast, the delegates appointed a committee to join one of the council, to form a proclamation for a purpose so agreeable to ancient practice: but the council declined prudently to engage in an appointment which belonged to the chief magistrate alone. The representatives were equally disappointed, when they proposed the nomination of a committee to seize for the use of the province

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the royal timber ; supposing, that, though the trees when growing were the property of the king, when severed they became the right of their constituents. During this unhappy temper, in vain Shute with the best intentions recommended a peaceful behaviour as their truest interest. Animated by the revenge of their leaders, the delegates returned contempt for conciliation and urged their pretensions as he seemed to recede. They resolved to allow no salaries, either to him or to other officers, till he had assented to the acts and resolutions of the session. And they finally adjourned themselves without the consent of the governor, who was thus obliged to dissolve them. The vehement proceedings of one party, and the unassuming conduct of the other, impressed the court and the people of England with the same sentiment : Dummer, the provincial agent, thought it his duty to give warning : “ that, when they find a governor, “ fitted to make any people happy, is made uneasy in “ New England, they conclude, that we would have “ no governor at all from hence, but want to be independent of the crown.” He soon after received the dismissal, which he seems to have foreseen from his communication of *unnecessary truths*.

While the provincials, actuated by their natural dissatisfactions, became more averse to the governor, and their representatives, governed by their principles, urged innovation, the eastern Indians continued their depredations rather than began serious hostility. When they had received ample supplies and final instructions from the French, they commenced the war in June 1722, since the English, though they had proposed the renewal of peace, had retained possession of their lands. And war

was formally announced against them in the subsequent month. The assembly having meantime convened, the representatives seem to have been inspired by their late maxims of aggrandizement, though, with an appearance of moderation, they promised all necessary assistance. A committee of the two houses having appointed the number of troops and their pay, the delegates determined in what service they should be employed. When the governor put them in remembrance, that the chief military command belonged to him as the royal representative, they passed a resolution, which had the effect of command, to dismiss Moody, the general of the forces. But he thought it unjust to disgrace an officer without hearing his defence, and promised to inquire into his conduct. The soldiers naturally deserted from a service attended with great fatigue and inconsiderable profit, since their commander's authority was thus enfeebled, and there was no law to punish disobedience. When Shute recommended this dangerous defect to the consideration of the assembly, the delegates appointed committees to inquire if the desertion of the troops was not owing to the misconduct of their superiors. The embarrassments of a war, arising rather from internal faction than from foreign force, made it necessary to call in the powerful aid of the six confederated tribes. When the Indian commissioners arrived at Boston, the representatives insisted, with their usual spirit, that the governor's conference with them should be conducted by a committee of the two houses. And, though he condescended to send them the speech which he designed to deliver, they finally refused to give their approbation to his measures, unless he spoke in the name of the assembly and admitted them

to be present as parties to the intended treaty. The governor submitted, though the novelty struck the tribes, who are observant of ancient forms, because they had always been addressed in the name of the great king. And, when a committee of this province met the six nations in formal convention, in September 1724, at Albany, they shewed, by their disinclination to engage in the contest, that they disapproved of the principle of the war; and they advised, as the only means that could regain tranquillity, "to restore the lands and captives of the Indians." A war, conducted under such circumstances, could not be successful. As the delegates had already removed one commander, they now attacked his successor. The governor having declined rather than refused to recal Walton, during the operations of the campaign, to explain to them his conduct, they determined, that this circumstance discouraged them from projecting schemes for carrying on hostilities with advantage. The obnoxious officer was at length dismissed, yet the house was not gratified. And, perceiving an advantage in a conciliatory speech of their opponent, they resolved, at the conclusion of the session, that a committee of the council and delegates should be appointed to meet during the recess for contriving military projects, which the king's representative might execute.

In December 1722, Shute departed suddenly for England, because, knowing that the numbers and the virulence of his enemies increased, he feared for his personal safety. That they should have forced from his station a governor, whose religion was congenial with their own, whose talents were unequal to any purpose of encroachment, whose moderation was satisfied with a petty

and precarious maintenance, is a singular proof of their principles. He was one of those well-meaning men, who in private life gain some respect because they are harmless, but he possessed not even the minute diligence which enables official men of little parts to transact great affairs; and the Board of trade repeatedly threatened to lay his neglectful conduct before the king, since they received from the news-papers the earliest and best accounts of his province. He had scarcely departed, when the representatives, in characteristic language, declared, "that they were not conscious of having given any cause for the governor's withdrawing in this unheard-of way." And they prepared by their agents to make a vigorous defence against the accusations, which they knew it was his purpose to lay before their common sovereign.

To the king Shute presented a memorial, in August 1723, contradictory in its facts and inconclusive in its reasonings, as he seemed afraid to tell the whole truth. He stated: "that, having found the representatives of the province possessed from the charter of almost the whole of the legislative and executive power, they exerted upon all occasions a greater authority than even the commons of Britain; that, since they assemble twice a year at Boston, a town containing eighteen thousand inhabitants, who, destitute of proper police, and many of them actuated by a levelling spirit, were but too apt to be mutinous, the delegates from every distant district were too easily influenced to make continual encroachments on the few prerogatives left to the crown." After urging these topics, though in guarded language, he accused the representatives of the province

province of five specific offences : that they had appropriated to their own use the royal woods ; that they denied the governor's right of disapproving their speaker ; that they made long adjournments without the governor's consent ; that they had voted a public fast without his knowledge ; that they had endeavoured to wrest the sword from the king's hands. Yet he thought it but just to the province to represent, that the whole clergy and the generality of the people were zealously attached to the family of Hanover and the present settlement. He did not advert, because he was blinded by religious prejudice, that, since none could be chosen a representative but the resident in the county or the town, the collective body must necessarily have spoken the sentiments of the men who chose them ; and, though they undoubtedly preferred George rather than James as a king, yet, incited by " the levelling spirit of Boston," they had much rather have been governed by themselves than by either. The Board of trade were too wise to rely on the feeble representations of Shute. Having " made the " best inquiry," they found that the various charges were verified by the *votes and proceedings of the delegates*, which they had themselves printed for their justification ; which however evinced how disingenuously as well as undutifully they acted : the Board remarked ; " that, " from the unequal balance of their constitution, daily " inconveniences occur, and it was apparent, from recent transactions, that the inhabitants are endeavour- " ing to wrest the small remains of power out of the " hands of the crown, and *to become independent of the " mother-country.*" and, having shewn the extent of their populousness, the strength of their militia, the annual

augmentations of their commerce, they inferred, "that
" so powerful a colony should be restrained within the
" bounds of obedience to the crown, and more firmly
" attached to the interest of Great-Britain than they
" at present seem to be; which cannot be effectually
" done without the interposition of the British legisla-
" ture; and no time should be lost." Even the city of
London clamoured against the New Englanders. The
ministers only remained in tranquillity.

When the administration devolved on Dummer, the
lieutenant-governor, he avoided carefully a contest which
had driven his predecessor from the field, though his an-
tagonists continued their former attacks. Having resol-
ved, with their accustomed spirit, "that the complaints
" of Shute were groundless," they thought it prudent
however to prepare for their defence. They naturally
sent Cook to England as their agent, since he, who had
known how to raise the present embarrassments, was the
best qualified to extricate them. Barbarous hostility
continued meantime to desolate a miserable country;
whose people were impotent, because they were divided;
whose councils were feeble, since they were distract-
ed. When they at length thought themselves unequal
to the war, though their fifteen thousand militia were
only opposed by five hundred Indian hunters, they ap-
plied to Rhode-island, Connecticut, and New York, for
aid. But they received the mortification of denial, which
every community must expect, who, during the most ardu-
ous struggles, think themselves weak. Of this unfriendly
conduct the assembly complained to their common so-
vereign in June 1725; stating the causes of the contest,
the intrigues of France, the greatness of their losses by
sea

sea and land ; and begging for the royal requisition to the several colonies, requiring their quotas, and to the six nations commanding their aid. Though they granted themselves no requests, the Board of trade thought their present prayers ought to be complied with, because they seemed to be reasonable. The war at length expired, in December 1725, as both parties were tired with a three years fruitless exertion, leaving, by their treaty of peace, the same causes to produce similar contentions in future.

In the mean time Shute's complaints were referred to two men, the most capable of forming a just estimate of the pretensions and conduct of both parties, sir Philip Yorke and sir Clement Wearg, because the Board of trade had given already a decisive opinion. Having heard all that lawyers could say on topics that admitted of little controversy, they reported, with a judgement and candour worthy of them : that, as to the exclusive choice of a speaker and to the practice of adjournment, they could not consider a mistake in point of law as a wilful encroachment : but that, with regard to the other accusations, the pretensions from which they arose must be deemed unwarrantable invasions of the regal authority, tending to weaken the dependence of the colony, that justified the expression " of their endeavouring to wrest " the sword from the royal hands." Dissatisfied however, because they were pertinacious, with a report dictated by ingenuity and framed with moderation, the agents desired to be heard by the privy-council before they should give their final decision. The representatives counsel relinquished their conduct and claims, since they had found them all indefensible, except only as
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to the governor's denial of a speaker and their power of adjournment. It was at length adjudged, that Shute had made good his charges, and had acted faithfully; that the conduct of the delegates not only tended to weaken their dependence, but was of evil example to other settlements: and the committee of the privy-council recommended the granting of an explanatory charter, with regard to the choice of a speaker and to the power of adjournment.

The trivial paper, that had thus been advised by impolicy, the duke of Newcastle not long after transmitted to Dummer, with a threat which is but too often dictated by impotence: "that, if it were not accepted, it would be necessary to submit to the consideration of the legislature what might be farther necessary for the support of the just authority of the crown." The delegates did not hesitate a moment in accepting the explanatory charter, in such language as implied that a favour had been done them, because it confirmed, by positive declaration, the old; it invigorated that constitution, the unequal balance of which had been represented as the cause of constant inconvenience; it gave force to those reasonings of permanent operation, which the representatives had used to justify recent encroachments; which were pregnant with sovereignty, and therefore, in due season, brought forth independence. When Shute applied for payment of the arrears of his salary, the Board of trade once more attempted to inspire the ministers with wisdom. In March 1726, they represented, "that, since the people had, in opposition to the royal instruction, reduced the governor to an avowed dependence, it would be proper that he should
" be

“ be paid a salary by his majesty at home, till the inhabitants of Massachusetts can be brought to a better temper.” The ministers declared, that it was both just and necessary that the assembly should grant a fixed and honourable establishment. The Board admitted the truth of a position which could not be denied, but in such terms as implied, that they considered the obtention of so desirable an object as beyond their influence or power, because their records demonstrated how often the same measure had been adopted without success. They recommended, however, that Shute should be again sent back, in order to convince the provincials with what vigour the king will support his faithful servants; that he may have the honour to carry the royal requisition of a standing allowance of one thousand pounds sterling. But they remarked, “ that, should they not comply, there was no method so effectual as to lay a state of the province before the parliament.” While the governor quietly retired on a pension, there was here laid the foundation of future contest, in which the vigour of the delegates obtained an easy but decisive victory over the imbecillity of statesmen, who sacrificed the royal authority and the national rights to their own ease.

Meantime as the triumphant conduct of the delegates recalled to the remembrance of the pastors the felicity of chartered times, when they had enjoyed almost co-ordinate power, they thought themselves entitled to present participation. In May 1725, they solicited the assembly to call a synod of the churches, “ as five and forty years had now rolled away since they had seen such conventions.” The episcopal ministers having opposed what they thought injurious to them, the application

cation was postponed till the subsequent session. Bishop Gibson gave warning to the duke of Newcastle of the danger, "lest it should give a fresh handle of complaint among the clergy here, who are apt to clamour for a fitting convocation." Sir Philip Yorke and Sir Clement Wearg declared so strongly against the illegality of the intended synod without the royal consent, that none has been since held in New England. Dummer was reprimanded for seeming to approve of a measure, thus dangerous and illegal, without communicating what appeared as inconsistent with the royal prerogative as with the peace of the province. By accepting such a salary as the delegates thought proper to allow; by permitting without objection the two houses to rule; he allayed for the present the spirit of independence; and, by thus indulging it, ensured the public tranquillity till the arrival of a new commander in chief.

Various complaints having, amid the foregoing transactions, drawn the attention of parliament, it was perceived, in 1721, that former laws had proved ineffectual; that new regulations were necessary. Additional encouragement was now given to the production of naval stores, as the provisions of the late reign had been found beneficial; by giving a bounty equal to the freight on the importation of hemp from the plantations: but, as a bad quality had been discovered in their tar, the former benefit was withdrawn, unless a certificate were sent that it had been raised in a mode prescribed. The duty on the importation of timber from the colonies was judiciously withdrawn: the taxes which, to the disgrace of English policy, had been hitherto paid on the export of the national manufactures, were for ever abolished

abolished by an act, that has conferred celebrity on Walpole. The custom on the importation of beaver was lowered : but the copper ore of the colonies was enumerated, and could therefore in future be only sent to Britain. Never were there so many laws favourable to traffic passed in one session as during that of 1721 : none could be more important to the colonists, because, while their commercial ardour was roused by giving rewards to their diligence, by facilitating a trade so essential to every country covered with woods, they were enabled to supply themselves with European manufactures, cheaper in proportion to the taxes withdrawn, and to the competition that from this circumstance arose among the merchants who sold them. It is to be lamented, that the various acts of the several assemblies had not been at the same time reviewed ; and the duties and double duties removed from British merchandise ; the tonnage on British ships abolished ; and the residents of Britain placed on an equality with the colonists in civil privilege and commercial advantage. What could be more incongruous, or contrary to the first principle of colonization, than to permit the merchants of England to be treated, within her dependencies, as aliens ? The statutes of Anne having been found ineffectual, because modes of circumvention had been practised, heavier penalties were now inflicted on those who should destroy such pine-trees as were not growing within the limits of any township. The encouragement, given by those admirable regulations to the exportation of timber of every kind, necessarily promoted the destruction of the king's woods by " an ill-disposed people." The exception in the late law furnished an argument to men, whose acuteness did

did not require the suggestions of interest. During every succeeding session, the assembly of Massachusetts extended additional townships over the boundless wilderness, in order to free the wood-cutter from recent forfeitures. And it answered little purpose, because they were by all disregarded, to transmit the concurring opinions of those celebrated sages, Yorke and Talbot and Fane, that the late statute had strengthened the king's title by additional penalties ; but had deducted nothing from his right to trees growing within a township.

Owing to those salutary laws, to the energy which the colonies thence acquired, to the selfish spirit of their jurisprudence, and to the advantages derived from loans of paper-currency, the most important branch of the national manufacture seemed to wither away. In November 1724, the ship-carpenters of the river Thames complained to their sovereign, " that their trade was " hurt, and their workmen emigrated, since so many " vessels were built in New England." West, the truly judicious and candid counsel of the Board of trade, gave it as his opinion ; " that, though their grievance may " be well founded, they might as well complain of " ship-building at Bristol, because the acts of navigation had declared the plantation-built ships should be " deemed English." Yet the honest carpenters were wronged, though they could not explain how. Their injury resulted from a circumstance, illegal and unjust ; that the ships of the Chesapeake, the Delaware, and Massachusetts, were respected in the Thames as British, while the river-built vessels were regarded, in Massachusetts, in Delaware, and in Chesapeake, as foreign. The Board reported, what ought to have roused the ministers of

of a naval nation: "that they had good reason to believe, the number of shipwrights in Britain had diminished one half since 1710; owing to the great number of ships annually built in the plantations, which being sold cheaper, few ships are now contracted for here:" and, considering the importance of so useful a body of men, they proposed, as the least exceptionable expedient, to lay a duty of five shillings the ton on plantation-built ships employed in the foreign trade of England. The simple and just remedy had been to have declared, by act of parliament, that British vessels shall not be subject to other burdens in the colonies than their own. What a spectacle, to behold the traders, and even the residents, of a sovereign state treated in her dependent territories altogether as foreigners! The ministers remained inactive, though they were informed, that a ship of one thousand tons, and pierced for twenty guns, was then building in Massachusetts for Portugal or for Spain.

NEW HAMPSHIRE.

THE feeble policy of the late reign, which had placed the little province of New Hampshire under the governor of Massachusetts, was continued during the present: and the inattention, that had formerly given it a carpenter for its lieutenant-governor, now conferred on it a miller. When the Board of trade perceived, from the gazette, that Vaughan had been appointed to that important

portant trust, they sent a remonstrance to secretary Stanhope; complaining, that they were not apprised before the commissions of governors were passed, since the public service was injured; stating, that, since the chief duty of a lieutenant-governor of this colony is to protect the king's woods, "there would be as much propriety in appointing a wolf to preserve the flocks of England as to nominate a man concerned in saw-mills to guard from waste the masts reserved for the navy of Britain." Vaughan however was received with joy, in 1715, because the colonists expected indulgence from their countryman. He found New Hampshire inhabited by nine thousand five hundred persons, who were masters of only one hundred and fifty slaves; who carried on a flourishing trade in timber and fish, amounting to the annual value of thirty thousand pounds sterling. The form of the government was monarchical; consisting of a governor and twelve counsellors appointed by the king; of twenty delegates, who represented the provincials in assembly. The religion of the Independents had descended to them, as well as to Massachusetts, from the original settlers, and inspired both with the same political tenets. The first assembly thanked the king for appointing one of themselves to be their immediate ruler. For a twelvemonth he governed, with all imaginable serenity, a province, which during this short period was said to contain "not ten disaffected persons." But he was soon obliged to complain to the Board of trade, though he could not explain the cause, unless it arose from the nature of the people, "that their divisions were so great as hardly to be expressed." Amid these distractions, Wentworth was appointed in his room, who was also a native;

native; who seems to have found means to rule for years a turbulent colony in peace. Yet the Board of trade discovered how just had been their remark to Stanhope, "that it was not for the interest of Britain
 "to appoint men of the country as governors:" and, with their wonted attention, they remonstrated against five of the counsellors of New Hampshire, "as being
 "principally concerned in carrying masts and timber to
 "Spain, whereby they had greatly contributed to the
 "destruction of the woods."

RHODE-ISLAND AND CONNECTICUT

CONTINUED during the reign of George I. to enjoy, from their ancient forms, all the gratifications of self-rule, since they acted without controul, and, from a total disregard of the commercial system of England, all the advantages of an unrestrained traffic. Owing to these causes, chiefly, their populousness had increased abundantly: Rhode-island was inhabited, at the accession of that monarch, by eight thousand five hundred persons, who commanded five hundred negroes; and Connecticut contained forty-six thousand inhabitants, who rejoiced in the services of fifteen hundred slaves. While they thus acquired wealth from illicit traffic, former complaints were continually urged, "that their assemblies
 "passed acts destructive of the commerce of Britain,
 "and repugnant to her laws:" in 1716, warnings were

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transmitted

transmitted to the Board of trade, "that, unless they
" were made more sensible of their dependence, neglects
" may be attended with very ill consequences, as they
" are daily growing more numerous and powerful."
They were threatened with the loss of their charters,
without making any change in their conduct, because
similar threats had never been followed by forfeiture.
Owing to the " numerous misfeasances of the proprie-
" tary colonies," there was introduced into parliament, in
1720, the same bill, for their regulation, which had not
been supported in 1715, which, in the midst of more
interesting objects, was opposed, neglected, and relin-
quished. It was on this occasion, that Dummer, the
agent, published his famous defence of the New English
charters, who, with the congenial spirit of his country,
pleaded what was there regarded as decisive, that no king
of England, either from original discovery or first pos-
session, had any right to grant such patents. Though
lord Carteret was secretary of state, he permitted the
dedication of a treatise, which denied the sovereignty of
Britain over her transatlantic territories; which offered
a demonstration that neither his ancestors nor himself
had any valid title to the Jerseys or Carolina, though
he was a proprietor. As the late measure had failed, be-
cause it was weakly designed and feebly maintained,
the ministers adopted, in July 1723, a project, that
seems to have been intended rather as a trial of the temper
of the colonists than designed as a settled plan of serious
policy. Rhode-island and Connecticut were asked to
submit to a regal government, as other plantations had
lately done, by consenting to an annexation to New
Hampshire. As might have been foreseen, both insisted,
in

in characteristic language, "that they will by no means part with any of their privileges, unless wrenched from them against their minds:" that, were it practicable to secure their property and their religion in the proposed coalition, it appeared impossible to remove Massachusetts from its intervenient station. The mortification of refusal, always attended with loss of influence, was one of the least evils which resulted from recent disappointment, because former practices were continued when the colonists perceived, that the counsels of Britain could suggest no mode of prevention. Governed by the same maxims and engaged in similarity of purpose, the four settlements, which had been always known by one general denomination of New England, seemed to have been designed for one province, since a people, whose religion and customs, whose forms and laws, are the same, easily coalesce. Yet no power but that of an act of parliament could perform, what sound policy dictated; could remove the singular dissensions of New Hampshire, the apparent revolt of Massachusetts, the innumerable "misfeasances" of Rhode-island and Connecticut; by forming one royal government that should correct the tendency to independence, which had been long remarked and was constantly deplored.

To the foregoing events it was chiefly owing, that the ministers had lately paid more than usual attention to colonial affairs; in order to discover the causes of universal disorder and to promote the interest of necessary reform. In obedience to special directions, the Board of trade presented to the lords justices, in September 1721, a report, which had required the research of a twelve-month to prepare; which seems to have then exhausted

an important subject, and has been since regarded as a monument of laborious inquiry and collected wisdom. Having displayed the geographical situation of the continental colonies, the various forms of their constitutions, the numbers of their people, and the extent of their strength, the Board endeavoured to demonstrate their singular importance to the commerce and revenue of Britain. By inquiries at the custom-house, they found, that, upon an average of the three years ending at Christmas 1717, the value of the *imports* from the transatlantic settlements amounted to ——— 1,527,696*l*;

Of the *exports* thither, and to Africa and Madeira, to — — — 1,048,523*l*.

They discovered that, upon the same average, the amount of the imports from the continental colonies was 382,576*l*.

But, since the valuation of tobacco had been established when during the reign of William the price was higher, there ought to be deducted; — — — } 80,000*l*.

And the real value of the imports could therefore only be deemed — — — 302,576*l*.

The value of exports thither, ———

Of foreign goods, 136,141*l*.

Of British, — 294,886

431,027*l*.

Yet, as the cargoes transmitted to Africa, Madeira, and other countries, ought to be regarded as really sent to the continental colonies, the true export ought to be — — — —

500,000*l*.

And

And they, from this exaggerated statement, inferred, that the value of exports exceeded the imports in a sum which ought to be considered as a favourable balance, or a debt from the plantations lying northward of Maryland, since the imports from the more southern settlements were greater than the exports. } 200,000*l*.

Such were the awkward attempts of the Board to lower the value of imports and to raise that of the exports,

The annual average during the same period of the shipping, which were required to transport those immense cargoes to and from the colonies, was calculated at — — — — — 75,587 tons,

The tonnage required for the national trade, according to the same average, was, British 419,681 tons.

Foreign 17,446 — — — — — 437,127

From this fallacious detail it was insisted, that the colonial shipping was equal to one sixth of the national : and by a variety of other calculations, all equally forced, the Board discovered, that the plantations employed one fourth, perhaps one third, of the whole navigation of Britain. It is from the epoch of this representation, and from the date of the statute of the present year, exempting British manufactures, when exported, from taxes, that we ought to date the origin of fictitious entries at the custom-house, and the rise of a kind of conspiracy, to degrade every other branch of traffic, in order to exalt that of the colonies. Whoever reads this famous report must perceive, that the commercial reasonings of the

Board are sometimes contradictory and sometimes inconclusive, because, without looking into their own wiser minds, they had conversed too much with Gee, who had long terrified the nation*, by insisting, that an unfavourable

* The following detail exhibits a more precise account, than the declaratory statement of the Board of trade, of the relative importance of each branch of the national commerce during the year 1718, and of the amount of the whole.

Tonnage of ships cleared outward to.

Ditto entered inwards from.

English tons.	Foreign.		English tons.	Foreign.
46,632	— 2510	Denmark and Norway, - -	99,891	— 1859
—	—	Sweden, [war] - - -	350	—
2,248	— 300	Eastland, - - - - -	7,921	— 450
4,318	— 150	Archangel, - - - - -	13,000	—
26,896	— 8218	Germany, - - - - -	19,862	— 9193
111,039	— 3781	Holland, - - - - -	40,294	— 1649
12,511	— 988	France, - - - - -	8,451	— 1422
7,011	— 792	Spain, [including the Canaries]	9,839	— 944
17,717	—	Portugal [including Madeira]	20,147	—
33,433	—	The Streights, - - - - -	13,705	—
—	— 110	Turkey, - - - - -	3,160	—
6,146	—	Africa, - - - - -	1,230	—
6,510	—	East Indies, - - - - -	4,100	—
28,833	—	West Indies, - - - - -	31,879	—
30,430	—	Continental colonies, - - -	42,631	—
7,164	—	Newfoundland and Greenland,	3,725	—
—	—	South Sea, - - - - -	1,610	—
5,941	— 70	Guernsey and Jersey, - - -	3,737	—
84,394	—	Ireland and isle of Man, - -	27,414	—
—	—	North seas, - - - - -	925	—
427,962	16,809		353,871	15,517
		Favourable balance of trade, -	74,091	1,292
			427,962	16,809

able balance of trade ran against England; because they were carried away by prejudices that have descended to the present times.

But, having collected facts from their accurate records and learned wisdom from their predecessors experience, their political argumentations will be found to have been much more satisfactory and just. And, having evinced what was assuredly true, though somewhat overstated, the great importance of the colonies, the Board proposed modes for securing them from danger and for improving their usefulness; by preventing the encroachments of France; by cultivating the good will of the aborigines; by regulating the irregularities of their political systems. The first, they remarked, could only be accomplished by building fortifications on their northern and southern frontiers; the second might be gained by presents and attention; but various obstacles had long obstructed the third. They found the great difficulty to have arisen from chartered governments, which, though not all equally guilty, had refused obedience to just commands, had broken through the acts of trade, had made laws contrary to those of Britain, had harboured pirates and outlaws, and had denied quotas of aid to each other. In addition to these ancient accusations, they observed, "that some of the proprietary governments had shewn
" too great an inclination to be independent of their
" mother kingdom, though it had ever been the wisdom
" of this and of all other states to secure the absolute
" submission of their plantations by all possible means." And they proposed, as essential to necessary reformation, that improvident charters should be immediately resumed, though it was but just to consider the planters as subjects,

deserving encouragement in all reasonable things not prejudicial to Britain. Yet they recommended, as the best means to cure every inconvenience, to put the continental colonies under a captain-general, who, attended by one or more counsellors from each plantation, and supported by a fixed salary, sufficient to maintain his dignity independent of the colonists, might be able to raise a general contribution of men and money for the defence of the whole; might ensure the obedience of subordinate governors by his immediate superintendence. Relying on the evident utility of their plan, they entered into no detail with regard to his practical operations; promising, however, future explanations when they should be asked. Though the present project seems to have been literally copied from that of their predecessors during the reign of William, it ought to be remembered, that a king of England, without the concurrence of parliament, could confer no such dictatorial powers. It was, however, so far adopted, that the earl of Stair was requested to accept of an office which was equal to the greatness of his talents: but, prompted by his genius, perhaps warned by the friendly admonitions of Hunter, who had lately returned from New York, he refused a station which had involved him in continual vexation and final disgrace. And the Board seem to have exercised their diligence and their talents to no practical purpose. Of this respectable commission it has ever been the praise, that they have exerted themselves as the guardians of the national interests, as the patrons of the colonies, as the supporters of the commercial system of Britain, though their success hath not been always equal to their intentions

tions and their efforts, because their power was not proportionate to the extent of their will.

NEW YORK.

SO greatly had this province prospered during the foregoing reign, notwithstanding internal contests and foreign warfare, that it contained, at the accession of George I. twenty seven thousand planters, who enjoyed the labour of four thousand slaves : and to these numbers were daily added the numerous emigrants from New England and from Ireland, who, while they augmented their population, confirmed their principles. Their commerce of peltry, of provisions, of naval stores, and of lumber, required seven thousand five hundred tons of shipping, which were navigated by fifteen hundred men. The provincials lived under a royal, but feeble, government, composed of a governor and twelve counsellors, who were appointed by the king ; of a body of nineteen representatives, who were chosen by the freeholders. And under this form they enjoyed some degree of tranquillity at the joyful commencement of the present reign, because mens hopes and fears were suspended.

Confusion however was expected from the choice of the new delegates, subsequent to the demise of the crown, since “ their ill-humour had grown upon forbearance, “ and the threatening mandates of the late reign were “ regarded as bullying letters.” With these prospects before him, Hunter exclaimed: “ Happy he who has no “ thing to do with these colonies ! upon the foot they “ now

“ now stand, they run a risque of an entire and speedy
 “ ruin.” Influenced by these apprehensions, that able
 officer wrote the Board of trade, in March 1715: “ I know
 “ your lordships cannot be of opinion that I ought daily
 “ to beg my bread of those who take pleasure in my
 “ sufferings, which encourages me to request your lord-
 “ ships again to use your endeavours for a settlement
 “ by act of parliament, as her late majesty directed:
 “ for I can stake my life and fortune upon it, that never
 “ any revenue can be obtained on this side but from
 “ year to year, upon such conditions that no man who
 “ regards the interests of the crown can consent to.”
 When the whiggish Board of the present reign had per-
 used a letter, dictated by recent sufferings and prescience
 of events, they asked him, in the language of their tory
 predecessors, which could not have been sincere, to in-
 form them, “ if there was any prospect that the assem-
 “ bly will settle an established revenue, in order to
 “ the settling of such a revenue by act of parliament,
 “ in case the assembly still refuse.”

Foreseeing probably that the present ministers would
 act the same futile part as the late rulers, Hunter exer-
 ted his talents to procure from the delegates what
 he despaired of obtaining from the parliament. When
 the assembly convened in May 1715, the effect of his
 intrigues immediately appeared. Mulford, having made
 a violent speech against the governor's designs, because,
 being a weaker man, he was a more violent whig, was
 expelled by his fellow-representatives, and by this means
 a majority of “ the well-disposed party ” was gained.
 A compromise ensued, “ though it was carried with
 “ great difficulty,” by which they agreed to settle a reve-
 nue

nue for five years : he, in return, gave his consent to an act of general naturalization, which had often been denied without reason, to a province inhabited by Dutchmen. It is to be lamented, that the reconciliation of governors and assemblies was but too often cemented by sacrificing, to their mutual passions, the jurisprudence and the mercantile interests of England. The act for "supporting the government" stamped a higher value on foreign silver than the statute of Anne allowed ; it imposed a variety of duties on the importation of negroes, on "European goods," and on the tonnage of vessels. Foreseeing every objection to these obnoxious imposts, Hunter apologized for his own conduct, when he transmitted these laws to Whitehall by asking "what was there left him to do, since he had been struggling hard for bread itself for five years to no effect, and during four of them unpitied." Miranda, a British merchant, while he yet felt that he had paid a tax on his ships, unjust because unequal, complained of "the scandalous practice of collecting duties on English shipping and exempting their own." And the Board of trade, urged no less by their own remarks than by this remonstrance, informed the governor, that his favourite, but defective, bills must be altered, or they should be obliged to lay them before the king for his dissent. The same assembly issued a considerable sum in paper bills, because they remarked, "that the Indian nations were wavering in their faith, and the fortifications of the province were gone much to decay." As they feared the encroachments of France, they endeavoured to make their militia more useful. And they gave encouragement to navigation, by exempting the vessels

vessels of the province from customs. Having thus by the aid of Morris, who was appointed chief justice in order that government might be strengthened by promoting men who distinguished themselves in its support, gained at once a standing revenue and the confidence of the delegates, Hunter ruled without obstruction, for several years, "this hitherto-ungovernable province." He was vexed rather than disturbed by the complaints of Mulford, who, though he was derided as a madman, had been prosecuted without sufficient cause. When the governor's friends had expelled this ancient representative for his vehemence of opposition, here should have ended the triumph of party, since the publication of his speech could have influenced none but men still weaker than himself. The continuance of Mulford's accusations in England, "owing to the encouragement he " had met with from some great men," gave the assembly an opportunity of transmitting Hunter's panegyric, conceived with great vigour of sentiment and executed with some elegance of language.

Subsequent events however discovered, that, though apparent tranquillity was preserved by the vigorous talents of Hunter, the former principles of the people were strengthened by continual emigrations from New England. The assembly of May 1717 convened under the same influence which had dictated the proceedings of the last. At the same time that they continued to give encouragement to agriculture and to commerce, they thought it their duty to discharge the public debts, since one half of these engagements was owing to the governor, the counsellors, and delegates, for services performed. With this design, they issued an immense number

ber of bills of credit, which the private creditor was compelled to receive, however disproportionate to the value of his claims: and, for objects of their bounty or their justice, they looked back to the insurgents of the year 1689, whose children were now rewarded for the merit of their fathers. The grand-jury of the province presented a remonstrance to the governor against the passing of a bill, that they insisted was as destructive of the industry as of the morals of the people. With true democratical violence, the delegates ordered that respectable body to be taken into custody and to be discharged with reprimand. Hunter endeavoured to gain, for this law, the approbation of the Board of trade, by recalling to their remembrance the glories of the revolution and the immortality of William. But declamation is seldom opposed with effect to interest. Unmoved by the whiggish effusions of the governor, the merchants of London vigorously opposed a measure which they regarded as fatal to credit and to commerce. That the opposition of the traders was just, though it was not successful, may be inferred from the contradictory conduct of the assembly; who, in 1717, reduced the interest of money to six in the hundred, and in the subsequent year raised it to eight. Hunter returned in 1719 to Britain, with such encomiums from the assembly as no provincial ruler had ever received; attributing, in the language of compliment rather than of truth, the prosperous state of a province, which had now no grievances to complain of, to his just administration; and wishing that future governors might, by the same patriotic conduct, merit like him the praises of the people.

Schuyler,

Schuyler, whose weakness of intellect and goodness of purpose qualified him for the instrument of men more artful and designing than himself, had scarcely assumed command, as president of the council, when he began to make changes of inferior officers and to meditate greater alterations. Hunter hastened to the Board of trade to shew the fatal consequences of his successor's conduct, and to point out a preventive remedy in the royal interposition. Secretary Craggs commanded Schuyler, in the king's name, not to suffer the assembly to be dissolved either by design or accident. By preventing the effervescence of faction and the virulence of contest, Hunter merited, for this one stroke of sound policy, more lasting praise than from the whole of his personal administration, which consisted in little more than perpetual efforts to gain from "a stingy people" a reasonable subsistence.

Burnet, a son of the famous bishop, who possessed some of his prejudices and many of his talents, assumed the government in September 1720. He immediately found, that there was a majority of the counsellors who opposed his designs, since they were influenced by Schuyler. With great address, he procured their absence, by shewing that he could convict them of offences against the royal instructions, though they never forgave the suggestion. And, by the advice of the ablest lawyers of the neighbouring provinces, he prudently determined, because he saw parties preparing for contest, that the representatives, chosen during the administration of Hunter, should still continue to exercise their trust. Influenced by Morris, whose abilities had procured for his predecessor a salary and peace, the assembly of October

tober 1720 granted to Burnet the former revenue for a farther term of five years: yet, with their usual policy, they imposed a duty of two in the hundred on European manufactures imported; which the Board of trade confirmed, however averse to acts laying taxes on commerce, because it was necessary for the support of government. From the peace of Ryswick, the traders of New York had grown rich by supplying the Canadians with the various commodities that Indians require: but the present assembly, urged by the spirit of Burnet, prohibited a traffic which was deemed no less contrary to policy than inconsistent with their interests. And the too strenuous opposition of the merchants of London, to a measure which they thought disadvantageous to them, gave the governor a fine opportunity of exposing their ignorance of American geography, and of attempting, by the triumph of his victory, to evince, that their other complaints against the practice of his province were equally unfounded and unworthy of attention.

How admirable is the policy of France, which endeavours to draw from the most disadvantageous stipulations every possible benefit! From the date of the peace of Utrecht, she had extended, with her wonted activity, the advantages of her fishery and traffic for peltry, as well as the limits of her American empire. Though, from the settlement of the colonies, the English provincials had complained of French encroachments; yet there had existed no solid ground for contest, except where actual possession was invaded: the rights of the aborigines had been unhappily disregarded by both parties; and there had been no specific convention to furnish controversy with argument which the law of nations

tions had not supplied. It was the treaty of Utrecht, that first set bounds to the pretensions of the two nations; that, by engaging the consent of each, gave just cause of clamour when either infringed its solemn agreement. It was not the fault of that pacification, if the ministers of George wanted skill or inclination to draw from it every national benefit. Animated by the neglects of British statesmen, the French sent orders to Canada, in 1718, to commence a traffic on the banks of lake Ontario, though it is surrounded by the most fruitful hunting-grounds of the six nations, which had been recently acknowledged to be the territories of Britain. In the subsequent year, they gained the ineffectual consent of the Onondagas, one of the tribes of that confederacy, to build a trading-house in their country, which was soon converted into a fortification. Whatever sovereignty the six nations enjoyed from nature, whatever rights they possessed from laws common to mankind, the French, who now flattered their ruling passion by contending for their independence, could regard them only as British subjects, since they had solemnly consented to consider them as such by the treaty of Utrecht. In 1720, Joncaire took possession of the most important pass on a continent, full of rivers, lakes, and defiles, the streight which connects those immense collections of water, denominated Ontario and Erie; which opens a communication with the southern countries to the confluence of the Mississippi: and here he laid the foundation of Niagara, the future source of American contest and of bloody warfare. Burnet commenced his administration with giving notice to the assembly of the intrigues and encroachments of France, without receiving effectual assistance,

sistance, because at present the danger was distant. In every dispatch, he informed the Board of trade of the ambitious purposes of the rival nation. And, urged by his constant complaints, they wearied with representations the ministers, who seem to have been resolved to preserve, by any sacrifice,* the friendship of a people whom an opposition of interest has destined to be perpetual opponents. In June 1722, the Board instructed that able officer "to extend with caution the English settlements as far as possible, since there was no great probability of obtaining the determination of general boundary." Encouraged by a request which confirmed natural inclination, Burnet obtained, from the assembly of 1726, a grant of three hundred pounds, which enabled him to build a small fortification at Oswego, on

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* The subjoined recital of a proclamation of the governor of Maryland, on the 13th of September 1717, will enable the reader to contrast the conduct of the British court in 1717 with the proceedings of the French court in 1777. [From the paper-office.]

Whereas the right honourable Joseph Addison, Esq. one of his majesty's principal secretaries of state, by his letter, dated at Whitehall the 8th of July last, has signified to me, that upon his majesty's having received advice, from the court of France, of the island of Martinico having revolted from the French government and having sent away the governor and intendant thereof, and that the regent of France had desired his majesty, that none of the neighbouring islands or dominions belonging to the crown of Great Britain may countenance or encourage that rebellion: it was thereupon his majesty's royal will and pleasure, that the said revolt should be as much as possible discountenanced by his subjects, and that the persons concerned in that rebellion should be more speedily reduced to their just obedience, and hindered from all manner of subsistence or protection whatsoever, from any of his majesty's subjects or plantations in America.

The governor therefore strictly commanded, that none of the people of Maryland shall in any manner aid or protect the said rebels.

the margin of lake Ontario, where the river Onondaga disembogues its kindred waters. Longueil, the governor of Canada, disregarding the terms of the late pacification and the present amity of the two courts, protested against his purpose, and threatened hostilities. Whether the six nations were actuated by a dread of the French power, or were gratified by the presents sent them from England, nothing could exceed the wisdom of their counsels with regard to this transaction: in September 1726, they solemnly surrendered their extensive territories to the crown of England, as a sacred trust to be preserved against all invaders, that they might always enjoy the pleasures and the profits of the chase: and they transmitted a formal request to the king, whom they flattered with the appellation of Great, that the French might be removed, either by persuasion or force, from their usurpation at Niagara. Yet the ministers pursued their former policy of courting the French by any means, since they were neither animated with hope nor roused by fear.

Meanwhile the governor lost his influence over the delegates, because, by imprudently mortifying the pride of considerable men, of Schuyler, of Phillips, of De Lancy, he provoked their hatred and their opposition. Burnet's bark was however wrecked on a rock which could not have been weathered either by skill or caution. From the commencement of his administration, the representatives had opposed, with becoming spirit the office of auditor-general of the colonial revenue, which had been invested in Horatio Walpole after the decease of Blathwayte; which gave him a pension of five in the hundred on the amount of their taxes, without

out administering to them any possible benefit. In proportion as Burnet supported the interests of the auditor, he lost the good will of the members: when his endeavours, either languid or vigorous, had failed, he attracted the powerful enmity of Walpole. Directed by these motives, the assembly of 1725 refused to continue the former revenue and attempted to reduce the amount. From the revolution to the present times, the provincial constitution had undergone a considerable alteration, imperceptible indeed to all but the most attentive observers. When William re-established its forms upon a plan conformable to those of England, he instructed the governor, "that all money should be granted to the crown by laws of indefinite duration, to be paid to the receiver-general, and distributed by the governor and council." Having received a lesson from the New English, the delegates, even before that monarch had ceased to reign, had overturned with ease a feeble fabric, since it was weakly supported. They had denied to the counsellors the privilege of amending money-bills, and had questioned their right to legislate; and they had acquired the appointment of their own treasurer, who was accountable only to them: during the reign of Anne, they had gained a considerable share of the executive power, since they only gave it temporary support, deducting continually from the prerogative what they conferred on themselves. And, though names seemed to remain, the nature of the constitution was really changed: from being monarchical it had already become democratical.

In this spirit of aggrandizement, the assembly convened, in May 1726. They continued the insufficient re-

venue for the payment of the civil establishment for three years longer. As the delegates had long enjoyed the most unbounded influence over money, they now attempted, what seemed indeed to result necessarily from their former pretensions, to make every officer dependent on themselves, by resolving whether he were necessary, and what should be his pay. They reduced the appointment of the chief justice, from three hundred pounds a year, to two hundred and fifty; pretending, that they did not object to his administration, but that the colony, now less wealthy than formerly, was unable to maintain so great an establishment. As, from a peculiarity in the constitution of New York, the chief justice may enjoy a seat in the house of representatives, Morris had an opportunity of delivering a speech, which at once put an end to debate by reducing his hearers to the dilemma of either admitting the truth of his reasonings or of claiming independence. “What can this province be considered, said he, but the inconsiderable district of a great empire, and entitled consequently to none of the rights of sovereignty which independent nations enjoy from their innate power and the world’s consent? even the privilege of legislation, which we have derived neither from nature, original compact, nor from our own act, but from the grants of a king of England, must be regulated by the special privileges conferred, rather than by analogical reasonings with regard to what other popular conventions, dissimilar in their nature, possess. In vain is it therefore for us, the delegates of a dependent dominion, to pretend to the various powers of the representatives of an independent state. Yet we have even gone beyond the limits
“ which

“ which the commons of Britain, a body who understand the nature of liberty and know their own rights, have at all times set to their privileges, except when once they sacrificed the constitution to their fanaticism : they never invade the prerogative, by resolving what officers are necessary, or by diminishing the salaries of those whom they admit to be useful : they never dispence with the law, by voting away taxes which had been already appropriated by an act of the legislature : yet it were easy to multiply instances in which we, less cautious and intelligent, have exercised a dispensing power. Where this will end, concluded he, God only knows! but what these proceedings mean it is not very difficult to guess. How mischievous in its consequences such an example may be to the rest of the plantations, and of what dangerous tendency to shake off their dependence on the British government, will be humbly submitted to the ministers of state to judge of.” When Burnet discovered, that the delegates could not be persuaded to continue the former revenue, during the same term and to the same amount, he dissolved a body which had sat since 1715, and which had grown unpopular in proportion to the length of its continuance.

Incited by the principles of their constituents as well as by their own purposes, the representatives of 1727 trode in the steps of their predecessors. They equally attempted to render all officers dependent on them, by lessening their salaries; they endeavoured to weaken the supreme court of common-law, by attacking its jurisdiction; they overturned the chancery-court, by resolving, in the language of the session of 1708, that it had

been established by incompetent power. And Burnet, who was fond of the character of chancellor, immediately dissolved an assembly, which had thus mortified his prejudices and assaulted his power. The tendency of the delegates measures, uniform in their manner and directed to one end, did not escape the attention of sagacious observers, who lamented "the dangerous consequences, " when a resolve of the house may soon be considered as " of more authority than the king's commands, or even " of an act of parliament, if it is not accompanied " with force to support it." It was remarked, by intelligent beholders, how much more easy it was to conceive than describe the degree of weakness to which the administration was reduced; " occasioned by the king's " not having a fund to support government." Among others, who had seen with concern the interesting scene, the attorney-general, Bradley, wrote to secretary Pople, in January 1727-8: " I doubt not but the Board " will, from their former experience of the assemblies " of this country, and the present disposition they " seem to be in, plainly perceive, that they aim at no- " thing less than being independent of the kingdom of " Great-Britain, as fast as they can."

NEW JERSEY.

THOUGH this province could boast of no direct trade with Britain, and enjoyed little foreign traffic, she
had

had partaken of the general prosperity of her neighbours during the foregoing reign ; owing to her internal industry. Already inhabited by twenty-one thousand planters, who commanded the services of fifteen hundred slaves, the colony acquired daily additional numbers from New England and from Ireland. The form of their royal government, composed of a governor and twelve counsellors, who were appointed by the king, and of twenty-four delegates, who were chosen by the freeholders, was similar to that of New York in its general detail. But they began to consider it, with reason, as a grievance, that their governor, their judges, and even their inferior officers, resided in that province, which had long claimed a superiority, though without a cause.

New Jersey however was not happy, since former contests continued. Owing to the enmity of Cox to governor Hunter, and to the zeal of Talbot, a protestant missionary, the multitude were inflamed to that degree, “ as to grow fond of their delusion and to take part with their deceivers.” Free from grievances, there existed no real ground for uneasiness, “ unless it were in their nature, since they are mostly all from New England.” Amid this ferment, it was easy to form an association against the payment of taxes, which were supposed to be collected by improper authority. What can evince more clearly the vehement passion of the times, and of the parties, than that the grand-jury of West Jersey should have indicted the chief justice, the president of the council, and the attorney-general, for acting inconsistent with law ! And monstrous crimes prevailed where it was almost impossible, either from the prejudices of the Quakers,

kers, or the enthusiastic spirit of the people, to procure convictions. Little could be expected from an assembly which was called early in 1716, during the present turmoil. When they were adjourned from Burlington to Amboy; because they were alarmed with a conspiracy to carry the torch through the capital, many of the members, influenced by Cox, their speaker, refused to attend. A small majority having however, by unusual arts, been prevailed on to meet, the representatives restored unanimity to the legislature, and with it public repose, by expelling their absent members, whose unmanly arts had rendered them unworthy of their station. And, urged by the spirit of men newly converted to duty, they granted a small revenue for the support of the civil establishment during the three subsequent years. The flight of Cox, because warrants were issued to seize him for his seditious practices, dispirited his powerful party, though it did not eradicate their principles.

That turbulent citizen determined to sap Hunter's authority by intrigue, since he could not overturn it by force. He complained to his sovereign of grievances, which were easily shewn to be groundless, and he successfully courted, though by no very honourable means, the patronage of ministers, who, during the year 1717, each contended for superiority. But the vigour of the Board of trade protected the chief ruler, and ensured the tranquillity of the governed: they informed secretary Addison, "of the indirect means used to blacken governor Hunter in order to keep up distractions:" and they had the satisfaction to transmit him, in February 1718, the royal approbation, which they justly hoped would silence reports and defeat discontent.

When

When Hunter departed in the subsequent year, he relinquished an administration, placid yet feeble, to Morris, the president of the council, a man who, to abilities equal to his own, added longer experience. He immediately felt, in the weakness of his own influence, the debility that had resulted to every department from prior distractions. The assessors found excuses in the obscurity of the law for neglecting to impose the accustomed taxes. Yet he could not punish the disobedient, who derived impunity from the numbers of the guilty. And he exhibited to the Board of trade, in November 1719, the singular situation of the governor and the governed, by assuring them: "that the enemies of the public peace
" had so great an influence, that whoever commands
" here can do little else but threaten, unless he has aid
" from without."

When Burnet assumed the government in the subsequent year, he immediately discovered the truth of this intelligence: in a province, "which had always been
" full of restless men," he perceived, with regret, "that
" too many would be glad to have no officers in the colony, nor even a ruler, unless of their own appoint-
" ing." It was in this disposition of both parties that the assembly convened, in February 1721. The governor endeavoured in vain to persuade the delegates, that, since the province daily increased in numbers and in wealth, they were the better able to give an honourable support to an establishment which protected their rights. The bill, which with this view they offered to the counsellors, was finally rejected, because they determined to admit of no amendments. And universal altercation having ensued, in which all parties were wrong, a turbulent
lent

lent session was ended by dissolution. Burnet appealed to the people by printing the assemblies proceedings, and to the Board of trade by recommending, "that effectual methods should be taken to shew them, that they are dependent on the government of England." And both his measures appear to have been attended with success: the Board rejected the laws of a former assembly, which, under the pretence of regulating the fees of officers, were supposed "to be designed to starve them:" and the freeholders chose new representatives, who seem to have performed all that could be reasonably expected of them. The assembly of March 1722 continued, for five years, the act for the maintenance of the civil establishment that had given satisfaction to Hunter: they passed an act for the security of the government, because "the Jacobites propagated their pernicious principles, and intermeddled in public affairs:" they endeavoured to improve the discipline of their militia: and they formed regulations "for preventing the multiplicity of law-suits," which evinced, that the colonists, "in the humour which then prevailed of running after mines," had all engaged in undertakings beyond their abilities. It was from this source that future contest arose, between Burnet and the Board of trade, with regard to paper-money: the one supporting it with great force of argument as necessary in its origin, since commerce required it, and as equitable in its operations, because it performed most of the uses of the metals: the others, pointing to the destructive examples of Carolina and New England, whose bills of credit had involved the widow and the orphan in ruin, insisted, that, as in all depreciated paper there is an injustice, the assembly ought

ought at least to be moderate, since they could not be just. The information, gained from this singular controversy, promoted the prosperity of a province that enjoyed during his administration unusual tranquillity, by giving it a currency to which no considerable objection could be made.

P E N N S Y L V A N I A

CONTINUED a proprietary government at the accession of the present monarch : it was composed of a governor, who was appointed by Penn and approved by the king, yet possessed not the whole executive power ; of twenty representatives, who, chosen by the freeholders, engrossed all authority, since they were inspired by their principles. The singular prosperity of the foregoing period had filled the province with forty-three thousand three hundred planters, who daily increased ; who exercised a gentle sway over two thousand five hundred domestic slaves. And the value of the product of their annual diligence, which was sent to every commercial country, was said to amount to one hundred thousand pounds. As four-fifths of the Pennsylvanians were Quakers, they had never formed any military establishment, nor reared any fortifications, since, urged by habit no less than by religious scruples, they had found a security for their frontiers in the good-will of the surrounding tribes, and had relied on the navy of England
for

for the defence of the Delaware, the only inlet into their flourishing province.

When the weakness and penury of Gooken and the faction of the delegates had embroiled the affairs of Pennsylvania, Keith, a man equally poor but more artful and able, was appointed his successor in 1716. Perfectly aware how much power he had relinquished, or had been taken away, the proprietor very prudently obliged Keith to give security to obey his instructions, since, during the administration of Evans, it had been determined in the province, that the assent of the deputy, to laws even contrary to orders, was binding on the principal. Nothing could be more wise or just than a policy that has been regarded as unconstitutional ; yet it has been at the same time shrewdly remarked : “ that every proprietary “ governor has two masters ; one who gives him his “ commission, and one who gives him his pay ; and he “ is therefore on his good behaviour to both.” Under the influence of this sentiment Keith acted during his administration, because he felt the truth of it ; courting the masters from whom he received his salary, since, without it, his commission was of little consequence. And, having allowed the assembly to govern themselves, he ruled for nine years without leaving an event for the historian to record.

The zeal, which the three lower counties had shewn during the two foregoing reigns for a regal government, was easily allayed, when Keith gave them formal notice, that a powerful application had been made to the king for a grant of their lands, which their opposition could only prevent. That considerable peninsula had been claimed, in 1716, by lord Sutherland, as a reward of his
recent

recent attachment. Sir Edward Northey and Sir William Thompson stated, with great ability and candour, the claims of the crown, and the pretensions of Penn to a country which has occasioned so much litigation; giving it as their opinion, that the king's right should first be established in chancery before it was conveyed to another; that the interest of the occupiers of the soil should be carefully regarded. When the Board of trade transmitted this excellent advice to secretary Addison, they remarked, "that his majesty was at least entitled to one half of the annual profits, which Penn ought to account for from the settlement of the colony." Lord Sutherland did not obtain the object of his wishes; nor were the salutary admonitions of the Board regarded. And the descendents of William Penn have continued to govern and to enjoy the rents of the Delaware colony to the present times without any other right than possession and acquiescence. Yet Keith, with a singular duplicity, endeavoured, in September 1717, to demonstrate to the Board of trade, "what advantage would result to the crown, by forming, into one royal government, Pennsylvania, West Jersey, and the three lower counties on Delaware."

Upon the decease of William Penn in 1718, the son of that famous legislator attempted to assume the government, by renewing the commission of the father: but, owing to the arts of Keith, it was rejected by the council and the assembly till the royal pleasure should be known. The Board of trade approved of the governor's caution, because they regarded the new commission as a new appointment, which required the royal assent. And, when the lords justices transmitted their approbation,

Keith

Keith thenceforth considered himself, with his usual irregularity, as the governor of the king, disregarding the instructions of the proprietor. He, however, who reviews the acts of assembly during the administration of Keith, will find much to commend and little to disapprove; because he knew the various objections that had been made by the Board of trade to former laws, and had influence to persuade the delegates to avoid similar difficulties. But both too often sacrificed the jurisprudence and the policy of England to their own convenience. They renewed in the present what had been rejected in the late reign, an act, declaring the privileges of the people, which was again rejected by the Board of trade, since it was deemed an unnecessary invasion of the great statute of William. They regulated appeals to Britain, without reflecting that they might with the same spirit have forbid them. They imposed taxes on the vessels of British merchants, without considering that the British merchants had never empowered them. When an act of parliament of the present reign had commanded that felons should be sent to the colonies as a punishment, they imposed on their importation a duty which was intended as a prohibition. Having in former times enabled aliens to purchase lands, they now empowered them "to trade" and to transport merchandises," though the acts of navigation had wisely declared, "that no alien shall act" as a factor or trader in the colonies." The clamour with which the Pennsylvanians, for the first time, demanded a paper currency in 1722, only evinced, contrary to their declarations, how much they were actuated by the commercial spirit; how much the province prospered in proportion as every individual, in pursuit of his interest,

interest, engaged in more extensive enterprizes. The parliament gave an encouragement to their energy, which was without reason withheld from others, by allowing the direct importation of salt from Europe to Pennsylvania, in order to promote a fishery which has never existed but in declamations.

M A R Y L A N D.

THE appointment of every new governor, during the late reign, had furnished lord Baltimore with an opportunity of claiming his right over this province, which, he justly conceived, could be no more seized without legal process, than the honours of the peerage. Sir Edward Northey did little credit to his own candour, when he gave his approbation, in 1711, to the arbitrary doctrines of sir John Holt. And the Board of trade, having discovered that the former necessity continued, advised, notwithstanding the pleadings of counsel, that the proprietary should be equally excluded now from his government, as he had unjustly been by William. But, though the queen refused to gratify the ruling passion of the aged Baltimore, she gave a pension to his heir apparent, because, by changing his religion, he had disoblged his father. It was the inclination of George I. "to give encouragement to the educating of the numerous issue of so noble a family in the protestant religion," that restored, in February 1715, the government of Maryland to Leonard, the third proprietor, who lived not to promote her prosperity or to obstruct her progress.

And

And though, with the usual policy of that moment, of introducing new men into every department, Franks was appointed governor, Hart was continued in command, because, during the late reign, he had given part of his annual emoluments as a gratuity to his present master. Since the government had been seized by no formal act, it was now restored without any other ceremony than allowing lord Baltimore to nominate a deputy.

As none of the provinces had enjoyed more genuine prosperity during the foregoing period, though contemporary complaints would lead us to infer the contrary, Maryland was found to contain, in 1715, forty thousand seven hundred freemen, and nine thousand five hundred slaves; the numbers of both, owing to a variety of favourable causes, having doubled during the fifteen years preceding. The provincials were described by governor Hart, when he no longer expected any thing from their favour, "as a well-natured and most hospitable people, who for the much greater part were zealously affected to the present government and protestant interest." The transport of their staple of thirty thousand hogheads of tobacco annually employed one hundred British ships, which required sixteen hundred seamen. Their maize, their salted provisions, and their lumber, had given rise to a feeble traffic to the West Indies and the Azores, which were exchanged for the various productions of both. But an uncommercial people carried on no trade with the French and Spanish colonies, which it was the policy of the counsels of George I. to obstruct, though there was no law to prevent it. The constitution of Maryland was again restored to what it had been originally established in 1650, and
may

may be described as similar in its detail to a mixed monarchy; in which the proprietary exercised all the functions of the king, by a governor who acted as his representative; the twelve counsellors, who exercised many of the powers of the peers; the forty-two delegates, who were triennially chosen by the freeholders, who represented their persons and prescribed for them laws. And under this well-poised form, in which the component persons exercised their various powers without feeling for years the fever of encroachment, Maryland rose speedily to riches and power, because she enjoyed to the present times every blessing of freedom and of peace.

A "well-natured people," living under a just administration, will be found to have offered few subjects for history during the current reign. In 1714, the frontiers were secured by cultivating the amity of the foreign Indians, and internal quiet was preserved by doing justice to the descendants of the aboriginal inhabitants, who had decreased since they were domesticated to five hundred persons. During the subsequent year, the assembly revised their code of laws, repealing former regulations, and establishing a system that does honour to their legislative talents. They recognized the title of George I. to the crown, in order "to shew their gratitude for the blessings they enjoyed." The former contests, between the creditor and debtor, seem to have been compromised, by doing justice to the claims of the one and to the inabilities of the other. They endeavoured to promote public and private prosperity, by giving encouragement to tillage, by exempting the provincial owners of vessels from the taxes which British merchants were compelled to pay, contrary to their inclination. They

G g

acknowledged

acknowledged the authority of the collector of the parliamentary customs, by regulating his fees. They shewed their attachment to the interest of learning, by endowing a free-school in every county. They endeavoured, by imposing taxes, to obstruct the importation of negroes and of Irish servants, on account of their religion: and they attempted, in opposition to the act of parliament, "to prevent the mischief arising from the introduction of convicts," lest their vices should contaminate the morals of their masters. Thus the assembly, animated by the most laudable spirit, endeavoured to promote the happiness of a placid province, though their means were not always perfectly justifiable or equal to the end. Men would choose to establish a family in Maryland, or in Massachusetts, according to their principles: he, who, fond of ease and tranquillity, wished to enjoy his property, his religion, and his freedom, in quiet security, would prefer the former: he, who, by nature restless, delighted in activity and in turmoil, would pant for the tumult of the last. In Massachusetts, a perpetual fever rushed through every vein of the body politic, inflamed by the irritation of contests between the representative of the king and the delegates of the governed, with regard to salary and to independence. The repose of Maryland was seldom ruffled by altercation, because the various forms of the constitution, being understood and revered, gave little cause for contest, when the governor's support arose from a standing revenue, which was secured by a law of indefinite continuance: and the safety of the individual and the privileges of the whole were derived from the latent power of the representatives, who could easily put an end to the political existence of the
chief

chief magistrate, by resolving, "that they would no longer transact affairs with a governor who had invaded the rights of the people."

VIRGINIA.

THE real prosperity of the foregoing period had filled this considerable province with seventy-two thousand planters, who exercised rather a severe sovereignty over twenty-three thousand slaves; to whom were added, during the present reign, upwards of ten thousand Africans, who lamented their lost liberty without gaining commiseration. The general industry of Maryland and Virginia, supplied Britain in return for her various manufactures with - - - - 25,317,981 lb. of tobacco, of which were afterwards } 17,142,755, exported,

there remained for internal consumption, } 8,175,226 lb:

without considering the revenue which was thence acquired, these notices evince, that the two tobacco colonies alone were in those days of greater consequence to a commercial nation than all the other continental settlements. The spirit of Virginian diligence was enlivened, by sending the maize, the lumber, and the salted provisions of an extended settlement to the West Indies and the Azores, in exchange for their sugar, rum,

and wine. Divided already into twenty-five counties, this dominion enjoyed a royal government; composed of a governor, appointed by the king, who nominated inferior magistrates; of twelve counsellors, who, created by the regal mandate, enjoyed, from the constitution, considerable authority and aimed at greater; of fifty-two burgessees, who, elected by the freeholders, generally spoke their sentiments, either illiberal or refined. The standing revenue, which had been established at the restoration, and which now produced four thousand pounds sterling, being unequal to the payment of the civil list and other contingent charges, was aided by three hundred pounds from the quit-rents, the private estate of the king. The aborigines had long ceased to be objects of dread, since they were now subjected to vassalage; the alien Indians were overawed by a militia of fifteen thousand men, formidable to them, though unfit for regular service. And, secured from foreign and internal foes, and protected in their privileges, the Virginians augmented their numbers, their commerce, their wealth, and their power, during the inattentive administration of George I. beyond the example of other colonies.

It is to be lamented, that they continued to be too much animated by the unhappy principles which they had imported from the north during the reign of William, and by the seditious example that had been recently set before them by their neighbours on the south. Owing to these causes, the provincials "chose such
" burgessees as had declared their resolution to raise no
" taxes for any occasion whatsoever." And, urged by this temper, during the session of 1715, they "expel-
" led

“ led two members for having the generosity to serve
“ without pay, which they termed bribery.” It is ap-
parent from the proceedings of both parties, during that
convention, “ more remarkable for its votes than its
“ laws,” that they were all actuated by faction. Con-
scious of the superiority of his talents and the indepen-
dence of his station, Spotswood offended by his neglect
the counsellors pride, and, by his haughtiness, the rising
spirit of the burgeses. When measures were therefore
proposed, that reduced the governor to the dilemma of
either disobeying his instructions or raising popular cla-
mour, he dissolved with unjustifiable circumstances of
contempt, an assembly, which had exhausted five weeks
in fruitless altercation. Though the Board of trade
commended his general conduct, they disapproved of his
speech to the burgeses, “ who, though mean, ignorant,
“ people, and did not comply with his desires, ought
“ not to have been irritated by sharp expressions, which
“ may not only incense them but even their electors.”
From the date of that event, anonymous letters were con-
stantly transmitted against him to the Board, who gave him
an opportunity of evincing, by the vigour of his answers,
that the province prospered under a wise administration,
though trivial discontents had arisen from petty offences
given and received. And, while Spotswood complained
of “ this treacherous method of assaulting his reputa-
“ tion,” he insisted, “ that some men are always dissatis-
“ fied, like the tories, if they are not allowed to go-
“ vern ; men who look upon every one not born in the
“ country as foreigners.”

When the code of ancient laws was revised, in 1717,
several acts were found “ unjust in themselves, unequal

“ to Britain, and reflecting infamy on Virginia.” The laws passed in 1663, “ to prevent the recovery of foreign “ debts,” to prohibit the assembly of Quakers, and that of 1676, declaring, that none should enjoy a provincial office who had not for three years resided in the colony, were all repealed by the king, as no less degrading to the province than injurious to the kingdom. The recent regulations for establishing a monopoly of the Indian trade, for inspecting tobacco before its exportation, were equally disapproved, notwithstanding Spotswood’s powerful support, because they were deemed “ clogs to “ commerce,” at a time that the depredations of the pirates and the Spaniards infested the Virginian coast.

What had been foreseen by the Board of trade from the recent conduct of all parties, the province had soon cause to regret. The imprudent insolence of Spotswood offended equally the aristocratic pride of the counsellors and the mobbish spirit of the delegates. Having discovered various provincial grievances in the offence offered to the connection of family, eight members of the council, who were directed by Blair, the bishop of London’s seditious commissary, formally complained to the king, of the governor’s attack on the charter of the colony, in which their most invaluable privileges were involved. Enjoying already almost all power, they were beyond measure offended, that he should associate with them inferior men in special commissions for the trial of criminals. Sir Edward Northey, decided however in favour of the chief magistrate’s right, though he gave no opinion as to the improper exercise of it. And the Board of trade regarded the complaint of the counsellors “ as a claim of power,” which in good policy ought

ought not to be gratified, though it was unwise in the governor to exercise authority, legal, yet uncommon, except on extraordinary occasions. While Spotswood exploded with great strength of observation the groundless clamours of his adversaries, he lamented to the Board, "how much anonymous obloquy had been cast upon his character, in order to accomplish the design of a party, which, by their success in removing former governors, are so far encouraged, that they are resolved no one shall sit easy, who doth not resign his duty, his reason, and his honour, to the government of their maxims and interests." Nothing could be more wise than the policy which was adopted for Virginia, from the event of this interested controversy: the governor's request, to remove from a station, of which they had shewn themselves unworthy, the men who attacked the prerogative when they ought to have supported it, was denied, because compliance had inflamed animosity: from this period it was regarded as a decisive objection, that the person, proposed as a new counsellor, was in any manner connected with the old.

During these agitations of Virginia, when every party had forgotten how much political wisdom there is in moderation, the provincials lent their willing clamour and their votes to the counsellors against a governor, whose expensive projects they were told would ruin the country. The assembly of 1718 were altogether actuated by the sentiments of their constituents. They could not be persuaded that the province prospered, because the officer who had given them offence had assured them of the truth of this unwelcome information. They considered the Indian commerce as requiring no regulation,

since he had recommended this measure as essential to their peace. They regarded the school, settled on the frontiers for instructing Indian children, as unnecessary, because Spotswood claimed a merit from the establishment of this salutary institution. They could not perceive, that the tributary Indians, whom that able officer had stationed on the borders in order to watch the motions of the hostile tribes, were entitled to any special support. And, having thus sullenly rejected every recommendation, they proceeded to act offensively. They attacked the royal prerogative, or at least its influence, by investing the county-courts with the appointment of their own clerks, while they reduced the fees of officers under the pretence of regulation. They endeavoured to render ineffectual the act of parliament for establishing posts in the colonies, because the claim of the planters to be considered as merchants, whose accounts were exempted from postage, had been justly denied. They transmitted an address to the king; praying, that the instruction, which required that no acts, affecting the British commerce or navigation without a clause of suspension, might be recalled. They complained at the same time of a governor, "whose attempts went to the
" subversion of the constitution, since he made daily en-
" croachments on their antient rights:" but, when they had framed their representation, they found that the most difficult task remained, since it was not easy to discover documents to support accusation. And, in their zeal to remove the object of their opposition, they relinquished the only grievance which really existed: having instructed their agent to state "the inconvenience of
" their being governed by a lieutenant, while the gover-
" nor

“ nor in chief resides in England,” they recalled a charge which they saw might induce lord Orkney to continue Spotswood in power through hatred to them.

Spotswood was too penetrating not to see that those measures were designed “ to provoke him, and then to “ complain of his resentment :” and with unusual moderation he prorogued them, when they had completed their charges ; but mean while prepared to make a defence suitable to the vigorous character of the man. His opponents had scarcely retired, when addresses poured in on him from every description of men, from the convention of clergy, from the college, from almost every county ; expressing their abhorrence of the burgesſes proceedings, and their happiness under an administration that had raised the province from penury to its present flourishing state. At the same time that he transmitted these flattering testimonies, “ that he had no dispute with the country,” he represented to the Board of trade, in terms which demonstrate that his crime consisted in the haughtiness of his manner and the superiority of his talents, rather than in any settled purpose to assume powers which did not belong to him ; “ that the liberty of doing wrong “ was none of the least of the liberties contended for “ here ; while the privilege of exempting Virginia “ owners of vessels from taxes, with which British merchants were burdened, was too beneficial to be easily “ relinquished ; but that governors should be tied up “ from assenting to laws prejudicial to trade, because “ it was difficult to withstand the solicitations of assemblies ; that while the counsellors concurred in the “ encroachments of the burgesſes on the rights of the “ supreme legislature, by invalidating the statute which “ had

“ had imposed the revenue of the posts, and in their at-
 “ tack on the prerogative, by disputing the king’s right
 “ to collate to vacant benefices, the public tranquillity
 “ will be sacrificed to their interested purposes.”

At the same time that the Board of trade disapproved of the manner of transmitting addresses to the king by an agent, which ought to have regularly flowed through the channel of the governor, they expressed their surprize, “ that any objection should be made to an instruction
 “ of this nature ; since it can never be supposed, that
 “ the plantations had, or can have, the power of making
 “ laws which might be prejudicial to the trade and na-
 “ vigation of this kingdom, for whose benefit these
 “ colonies were first settled.” They supported the decisive opinions of Sir Edward Northey and Sir William Thompson, with regard to the litigated questions of law, because they had penetrated the design of reducing the influence of the crown and of invalidating the rights of the nation. During the session of 1719, the parliament endeavoured *, by confirming the statute of Anne, to vindicate their own power, since the Virginians had claimed exemption and refused payment the preceding year ; by declaring, that every packet, containing merchants accounts transmitted through the dominions of the state, should be chargeable with a postage-duty. When Byrd, the agent, discovered that he could not gain the chief object of his embassy, because the real designs of his constituents had been awkwardly disguised, he begged the Board of trade “ to recommend forgive-
 “ nefs and moderation to both parties.”

The recommendations of the Board, when enforced by the advice of lord Orkney, the duke of Argyle, and
 other

* By 6 Geo. I. ch. 21. sect. 51.

other great men, who honoured Spotswood with their patronage, buried discord in oblivion and converted the rancour of enmity into the cordiality of friendship. The governor, the counsellors, the burgesses; all concurred in sincere measures for promoting, by salutary measures, the interest and happiness of a province that already enjoyed the greatest prosperity. The pirates who infested the coast were subdued. Parties of the six nations, who in their undistinguishing rapine had fallen upon the tributary tribes and plundered the traders, were repelled and afterwards pacified by presents, prudent yet ignoble. And the frontiers were pushed to the nearest mountains which had been discovered by the activity of Spotswood, who procured, by his solicitations, for two additional counties, a ten years exemption from quit-rents.

Nevertheless the governor was unwisely superseded in April 1722, though no new complaints either ruffled the public repose or disturbed the minister's ease. Anonymous letters had indeed been transmitted, which were perhaps construed as the forerunners of turmoil. But he was recalled, because it had been probably whispered to lord Orkney by the agent, "that if he did not remove his lieutenant, the burgesses would certainly address the king to remove him." Having reviewed the uninteresting conduct of the frivolous men who had ruled before him, the historian will dwell with pleasure on the merits of Spotswood. There was an utility in his designs, a vigour in his conduct, and an attachment to the true interest of the kingdom and the colony, which merit the greatest praise: had he attended more to the courtly maxim of Charles II. "to quarrel with no man, however great might be the provocation, since he
" knew

“ knew not how soon he should be obliged to act with
 “ him,” that able officer might be recommended as the
 model of a provincial governor. The fabled heroes,
 who had discovered the uses of the anvil and the axe,
 who introduced the labours of the plough with the arts
 of the fisher, have been immortalized as the greatest be-
 nefactors of mankind : had Spotswood even invaded the
 privileges, while he only mortified the pride, of the Vir-
 ginians, they ought to have erected a statue to the me-
 mory of a ruler, who gave them the manufacture of iron,
 and shewed them , by his active example, that it is dili-
 gence and attention which can alone make a people
 great. As he was retiring from the glare and tumult
 of state to the obscurity and quiet of private life, he left
 them prophetic admonitions, which it had been happy
 for their prosperity if they had regarded as the warnings
 of holy writ : “ I look upon Virginia, said he, as a rib
 “ taken from Britain’s side, and I foresee that, while they
 “ both proceed as living under the marriage compact,
 “ this Eve must thrive so long as her Adam flourishes :
 “ I am persuaded that whatever serpent shall tempt her
 “ to go astray, and meddle with forbidden matters, will
 “ but multiply her sorrows and quicken her husband
 “ to rule more strictly over her.”

In September 1722, Drysdale assumed the administra-
 tion amidst the tranquil prosperity bequeathed him by
 his predecessor. He adopted a mode of government
 suitable to the inferiority and the weakness of his charac-
 ter, without regarding his reason as a man or his in-
 structions as an officer : he resigned his authority to the
 counsellors ; he resolved to pass every law that the bur-
 gesses should propose. But, though he ensured his own
 quiet

quiet and stability by relinquishing all pretensions to command, he introduced at the same time disorder into the state, because the assembly in the same moment attacked the laws and policy of Britain. Inflamed by this temper, they passed an act regulating the importation of convicts, which was soon exploded by the Board of trade, because it amounted to a prohibition, and impugned the policy of the late act of parliament. In order to free the colonists from an annual poll-tax, which the administration of justice and other internal charges made necessary, they imposed a considerable duty on the importation of liquors and of slaves. But the African company and the individual traders instantly opposed a measure, which, though favourable to general freedom, was deemed injurious to them. And, in September 1723, Harris, an intelligent merchant, wrote the Board of trade: “ that this tax, being intended for the payment of the
“ expences of the colonists, ought therefore to be levied
“ on themselves and not on the mother-country, by
“ whose protection they have their being; and, since it
“ is of importance to *prevent, in the beginning, the colonies*
“ *from laying customs on the trade of England, it were to be*
“ *wished that the Board would put a speedy stop to their en-*
“ *croachments.*” The obnoxious act was repealed, because it was regarded as detrimental to commerce. And it was now lamented, that the prudent warnings of Spotwood, “ not to remove a governor to gratify a party,” had been disregarded in the late appointment, since it was at length apparent that the public interests had been sacrificed to the reconciliation of factions. Such was the administration of Drysdale, which the assembly praised, because they were gratified by his condescensions, “ as
“ just

“just and disinterested.” Yet the same assembly suppressed a parish, and the same governor begged the Board of trade, “not to regard the parson’s representations,” though he had been deprived of his freehold; as if the protection of the individual’s rights were not the end of all social establishments. Owing to the interested amity between the chief ruler, the counsellors, and the burgesses, the affairs of Virginia glided on, during the remainder of the present reign, in a stream of prosperous quiet. Drysdale congratulated the duke of Newcastle, “that the benign influence of his auspicious sovereign
“were conspicuous here in a general harmony and
“contentment amongst all ranks of persons.”

C A R O L I N A.

I T is a decisive proof of the preceding misrule and distraction of North Carolina, that it contained no more than seven thousand five hundred white inhabitants, and three thousand seven hundred slaves, at the accession of George I. And so great had been the debility, arising more from internal contests than from foreign warfare, that, during the present reign, its administration acquired neither respect nor stability; the individual gained neither energy nor the consideration which it ever confers. Unconnected with Britain by commerce or by government, this colony was supplied by the New
English

English alone, with every necessary manufacture which was exchanged for their salted provisions, their corn, and their naval stores. And this wretched province was continually branded as the general receptacle of the fugitive, the smuggler, and the pirate; as a community, destitute of religion to meliorate the heart, or of laws to direct the purpose of the will.

S O U T H C A R O L I N A,

OWING to similar causes, was inhabited at the same epoch by only six thousand two hundred and fifty freemen, who rejoiced in the unwilling servitude of ten thousand five hundred slaves. The product of their labour was more advantageous to themselves and to the world than that of their northern neighbours, as they enjoyed a more extensive commerce. Had the Carolinians been governed by desires more moderate, they had enjoyed greater prosperity as well as happiness. When they attempted to gain that wealth from the fiction of paper currency, which can only be acquired from the result of patient diligence, they involved themselves in difficulties and misery, and their commercial connections in ruin. A wretched proprietary government, rendered still more feeble by settled faction, and unaided by the salutary influence of religion, could neither alleviate misfortune nor confer enjoyment; could neither
offer

offer protection to the individual nor promote the felicity of the whole.

An event, which seemed to forbode lasting quietude with all its blessings, only gave rise to immediate massacre with all its horrors. The destruction of the Tuscaroras, which the Carolinians fondly hoped would have operated as a sad example to the southern tribes, appears to have been the real cause of their subsequent woes. When this province sent detachments of various nations against that gallant people, an opportunity was given them, while they marched across a long line of settlement, to perceive the weakness of the colonists and to remark their distractions. And the Indian allies retired in disgust from the destruction of the enemy, because it was impossible to gratify them when their jealousy was roused; and they feared for their own fate, when they daily recollected how many of their countrymen were then detained in bondage. The powerful hords, who on every side surrounded Carolina, who were said to have been able to bring ten thousand warriors into the field, entered into a conspiracy for its destruction, with such characteristic secrecy, that it was only discovered by the barbarous effects. Spotswood however assured the Board of trade, "that it was a general observation, that the Indians never break with the English without gross provocation from the persons trading with them." Too judicious to rely on the interested information of professed agents, the Board discovered that Spotswood's remark was on that occasion perfectly just. In May 1715, the Yamazee war began, since injuries had been mutually done and received, by a furious attack on the southern frontier, that was soon extended on every side. The defenceless

defenceless planters were obliged to retire towards Charles-town, the capital, which almost despaired of its own security. Yet, animated by the surrounding danger, governor Craven exerted the talents of an able and gallant officer; as the provincials, having recovered from the terrors of the first impression, supported his efforts with becoming spirit: and the assembly, unable, partly because they were unwilling, to raise considerable taxes, issued paper-bills in abundance to support a feeble warfare. Hunter and Spotswood transmitted to Carolina warlike stores from the king's magazines. The legislature of New York could only be induced to exempt the Carolinian commerce from duties, while Hunter attempted without success to engage the powerful six nations in the bloody quarrel. The burgesses of Virginia granted their southern neighbours a supply, though they did not love them: Spotswood sent them a ship of war, with one hundred and fifteen volunteers, and thirty tributary Indians. The timely succours, which were now given to real distress, only promoted the future enmity of the two colonies, because the one complained of ingratitude, the other of exorbitant demands. Even during her imbecillity, North Carolina endeavoured to repay the effectual assistance which had been formerly given, when, owing to a similar attack, she felt similar danger. The other provinces neither granted the asked-for aid, nor even pitied the misfortunes, which they knew not how soon might fall on themselves. And, in a moment of great difficulty, Carolina obtained from Britain what had been denied by neighbours, who envied her prosperity.

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The application of the agents procured from the proprietaries all the contributions that could reasonably have been expected of them, amounting to the extent of their provincial debts and their annual quit-rents: but they did not give satisfaction to colonists, who have seldom reflected, that it is impossible to protect a people without their own exertions. When the merchants of London enforced the petition of the agents, the commons addressed the king to send such supplies of arms and of stores, as might enable his distressed subjects, not only to defend themselves, but even to subdue their foes. Troops had probably been at the same time granted to such powerful requests, but rebellion unhappily disturbed, at that conjuncture, the public repose. And, not long after, the subdued rebels were transported to Carolina, that they might turn the same energy, which had endangered the state, to the defence of her distant territories.

Invigorated by all these aids, governor Craven was enabled not only to repel the numerous enemies of the province, but even to pursue them into their fastnesses. With the Yamazees, who first commenced hostilities, he fought a pitched battle, whom he finally defeated, though they defended themselves with unusual ardour, because both parties fought either death or conquest. Having driven them at length from their ancient possessions, he compelled them to seek sorrowful protection from the Spaniards of Florida, whose intrigues had incited them to action. The other tribes sued for peace, when they heard of the overthrow and expulsion of so great a people. And tranquillity was again restored during the year 1717, though the assembly, with a singular

lar temper, would scarcely believe that their constituents were safe even after warfare had ceased; as supposed danger promoted their intended designs. They transmitted therefore an address to the king; stating the deplorable circumstances of the province from a consuming war; and begging to be taken under his immediate care, from whom alone they could enjoy protection or expect redress. Having conquered the country of the Yamazees, they thought it but just that a land, acquired by the sword, should be appropriated to the purposes of future safety: nothing had been more wise than their laws for investing the property of those acquisitions in Irish emigrants, who might defend them by their prowess, had they suspended their regulations till the proprietaries consent was obtained. Nothing could be more incongruous than their complaints of the inconveniencies which the selfish forwardness of the delegates and the infidelity of the governor introduced, when a just regard to their own rights induced the chief rulers to repeal the laws that had deprived them of their property without consent. While the assembly asked favours of a British king and protection from a British parliament, they imposed a tax on British manufactures, imported to Carolina, of ten pounds in the hundred of the value. Contemporary men, who had for five and twenty years observed the conduct of the Carolinian legislators, remonstrated against what they considered "as a great discouragement to trade:" they remarked, "what mischiefs must follow, if the colonies are allowed to make laws tending to prejudice the manufactures of England, since they have for some time aimed at manufactures of their own, and to lay duties on the British

“ merchants, because they will not tax their own estates.”

When these representations were urged to the Board of trade, the proprietors were reduced to a dilemma truly pitiable: they were threatened with the forfeiture of their charter, if they did not annul the laws of which they were ignorant, since their unfaithful officers had never transmitted them: when they dispatched their order of repeal, they incurred the hatred of their tenants. Other regulations, either prohibiting the importation of negroes, or creating a monopoly of the Indian trade, were equally complained of, as proceeding “ from a mercenary and ignorant temper;” which were therefore in the same manner exploded. When the agents discovered that lord Carteret’s interest was more powerful than theirs, since the selfish conduct of their constituents did not recommend them to favour, they applied to parliament for that remedy which they had not found in prerogative: to both houses they represented, in May 1717; that a province, of the greatest importance to Britain, had been almost ruined by a barbarous war, the ravages of which alone amounted to one hundred and sixteen thousand pounds, besides the debts contracted to the extent of one hundred thousand, while the few remaining men were unequal to the defence of an extended frontier; that, having applied without success to the proprietors, who were unable to give them adequate aid, the nation must inevitably lose the colony, “ unless the parliament, by proper methods, place the province under the immediate protection of the king.” Never was there a juster pretence or a fairer opportunity for resuming a proprietary government, which had
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been so often complained of as injurious to England, as was now offered by the agents ; as had arisen out of the concurrence of many causes. The parliament continued however unmoved, because the ministers seem to have sacrificed general utility to the gratification of an individual. From the reign of William, there had existed in Carolina a powerful party, who, in their attachment to independence, abhorred the power of the proprietors ; who had seized every occasion either of private prosperity or public misfortune to gain their end. When they heard that the recent application to parliament had failed, they determined to rely on their own exertions, in overturning their ancient system, since their agents gave them reason to hope, that their conduct would be ultimately rewarded with approbation and applause.

When the able and active Craven retired, in 1716, Johnson, a man, illiterate and weak, inattentive and unfaithful, was sent to govern a people, dissatisfied, because they wished for change. The distressed situation of the province, and the immoderate conduct of the assembly, dictated his instructions. He was directed to relinquish to the public considerable debts for the alleviation of the burdens of the war ; to declare the proprietors dissent to various laws, which were destructive of credit, by multiplying paper-bills without necessity ; which were injurious to commerce, by imposing unequal taxes ; which had changed the constitution, by altering the mode of the delegates election. He soon perceived, that the improvident, not to say treacherous, conduct of the deputy-governor Daniel, made it necessary to temporise, since “ the colonists became outrageous,

“ and spoke boldly of the tyranny of the proprietaries,” at a time that they wanted energy to oblige those, who solely depended on their choice, to obey their commands. He was confirmed in a predetermined resolution by the advice of the council, who insisted, that obedience to unpopular orders would promote neither the interest of his superiors nor his own ease. And, instead of obeying his instructions, he imprudently attempted to conceal them. Having discovered a secret intrusted to many, the delegates adopted a measure that ere long put an end to his power : they contended, with a zeal which concealed the fallacy of their reasonings, that an act, once approved by the governor and council, could not afterwards be dissented to by the proprietors, since their approbation was included in that of their governor. A pretension, which nearly overturned the constitution, was rather feebly opposed by the counsellors, because it flattered their own pride. In a conference that soon ensued, the chief justice Trot exploded the arguments of the delegates with a superiority of talents and force of disquisition, which, while they did not procure acquiescence, laid the foundation of his own ruin. He was accused before the representatives of various misdemeanours, and of what was probably his principal crime, “ of having engrossed the whole judicial power, by acting “ as judge of the king’s-bench, the common-pleas, and “ of the admiralty.” And a man, who had zealously supported the falling constitution, was easily found guilty. The governor and majority of the council shewed how little they were worthy of trust, in concurring with the delegates in their representation to the proprietaries against the object of their envy, because they
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did not advert, that the attack on the chief justice was only a blow aimed at the present system. And they sent Yonge, a counsellor and the surveyor-general, as their agent to England, to state their grievances, pretended and real. The wife perceived, that a considerable change was at hand, when men sacrificed propriety to zeal and their duty to revenge.

Meanwhile the colonists were far from happy, owing almost altogether to some preceding folly. Their commerce was extremely embarrassed, less by the depredations of the pirates than by the fluctuations of their paper currency: the rovers were extirpated by the gallantry of Johnson and Rhet; but the other evil could only be eradicated by patience and a long line of prudent conduct. In 1717, the assembly passed an act for recalling their paper-bills, by a duty on lands and on polls: in the subsequent year, they repealed this salutary law, because the provincials approved neither of the payment of taxes nor of the diminution of the currency. When the proprietaries, urged by the British merchants no less than by a sense of justice, dissented to this act of repeal, they gave the greatest offence to the province. The Yama-zees, having meantime vowed perpetual warfare, made it difficult if not impossible to defend a wide extended frontier. And “ the people were thereby induced to
“ complain of the insufficiency of a government that
“ could not protect them, yet at the same time prevented
“ the interposition of the crown.”

The proprietors however justly considered the representations of Yonge as an insult offered to their understandings as men, which at the same time attacked their essential rights, as lords of the soil and chief rulers of the

province. From the recent conduct and pretensions of all parties, they inferred, what was assuredly true, "that the people seemed to be industrious in searching for causes of dissatisfaction and grounds of quarrel, with a view to shake off their authority." They dissented to various laws, which had each a tendency to limit their chartered powers. They appointed a new council; enlarging the number from seven to twelve, and rejecting three who had most grossly betrayed their trust. They reprimanded the governor for disobeying their orders, while they commanded him to hesitate no longer in dissolving an assembly which had been chosen under the improper authority of an act repealed. They refused to disgrace, without hearing his defence, the chief justice, who had alone defended their prerogative, though they sent him the accusations and desired his answer. And the measures of the proprietaries, equally wise and vigorous, had probably proved decisive at any other time than at the eve of a revolt.

In November 1719, Johnson literally obeyed his orders, though he foresaw the danger: he dissented to the obnoxious laws; he dissolved the irregular assembly; issuing writs for the choosing of a new one according to the ancient mode. What had been foreseen by attentive observers immediately ensued. "The whole people were prejudiced to such a degree against the proprietors, that it was grown almost dangerous to say a word in their favour." A body of delegates, chosen during such a ferment, must have been necessarily impregnated with the spirit of their constituents. In December 1719, the representatives resolved, that they could not act as an assembly, but as a convention, delegated

gated by the people, to prevent the utter ruin, if not the loss of the province: that the proprietaries have, by their late proceedings, unhinged the frame of government and forfeited their rights. They sent a request to the governor, to assume the administration in the king's name, which, with the spirit of Cromwell on a similar occasion, he denied, because his compliance had precluded him from future trust. And, with a genuine tribunitian temper, they refused to act with the new council, which they declared to have been appointed by incompetent power. Having tried various petty arts to induce them to depart from their predetermined purpose, Johnson made a formal attempt to dissolve them. But, in their turn, they derided his imbecillity, and directed that all officers should hold their authority from them. They chose Moore, who had long played a conspicuous part in the tumultuous scene as their chief magistrate: they appointed twelve counsellors, in conformity to the common plan of royal governments; and they declared the several parties, whom they had thus created, to be an assembly, in order that the province might enjoy the form as well as the substance of a complete legislature. Never had Carolina enjoyed an administration so vigorous and active as the present, because it was the only one that seems to have ever possessed the confidence and support of the governed. And it easily defeated a trivial effort of the late ruler, to regain what he had in some measure thrown away, since he was deserted in his merited distress both by friends and by foes. The insurgents gave notice to the Board of trade of this interesting event; stating, as the causes of their conduct, "the extremities to which they were reduced by
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“ the confused, negligent, and helpless, government of the
“ proprietaries, which had induced them to renounce
“ obedience, as delays might have put the Spaniards in
“ possession of the province.” Johnson transmitted a
similar account, calculated more from its speciousness
to mislead, than, from an investigation of the true causes
of the revolt, to enable the ministers to adopt proper
measures.

A genuine statesman might have foretold every event
in the foregoing period from a slight consideration of
the principles of the original settlers, of the complex
constitutions, framed by Locke and established by the
proprieties. He, who reviews the Carolinian annals
rather from the satisfactory evidence of unerring records
than the fallacious relations of uninformed historians,
must perceive in the colony continued sedition and tur-
moil, disobedience and anarchy, which at length pro-
duced a dissolution of the provincial system; in the pro-
prieties, great apparent power without energy, good
intentions without success, and the most laudable en-
deavours to promote the prosperity of the governed with-
out gaining their end. What can be more apparent
than that the facts, assigned as the reason of the recent re-
volution, are altogether unequal to the singular effects.
A contest with regard to abstract propositions of law,
an adherence to forms, the support of a judge, obnox-
ious, because able, could never have produced universal
disaffection, had not the unworthy habits of the colonists
concurrent with the debility of the constitution. Though
the official dispatches were calculated to conceal, rather
than disclose, the true motives of late events, a key was
given to the ministers of England, which laid open the
secret

secret purposes that were before only suspected. They were assured, by an attentive observer of the conduct of all parties prior to the late change: "that, if the much greater part of the most substantial people had their choice, they would not choose king George's government." In December 1719, Rhet, the intelligent receiver of the revenues, wrote, in prophetic language: "that upon twenty-five years experience he had remarked, that the planters of Carolina, who are greatly in debt to the proprietors, had been raising conspiracies; and, if their recent revolt is not cropt in the bud, they will set up for themselves against his majesty."

When, in August 1720, these remarkable notices were communicated to the Board of trade by the lords justices, who asked their advice, they resolved, with an alacrity which appeared as if they had expected what had actually happened, "that it would be proper to follow the glorious example of king William in the appointment of a provisional governor:" never reflecting, in their complaisance for the sentiments of others, that an illegal act, performed by the banished James, by the immortal William, or by the gracious George, was equally an illegal act. The declaration of rights had precluded all argument whether a king of England could deprive the meanest subject of the most trivial privilege without legal process: he could not divest the duke of Beaufort of his dukedom, nor lord Carteret of his baronage; neither could he withdraw from them and their noble associates the honour of governing a province upon a supposed necessity or the gratification of his will. Yet, considering the importance of Carolina and its present confusion, the lords justices ordered, "that the government
" should

“ should be taken provisionally into the hands of the “ crown.” When the agents had three years before solicited the parliament to execute the same design, the ministers denied them their influence: when a real necessity demanded now an adequate remedy, they applied to prerogative for what could be only found in the legislature.

In January 1721, a writ of *scire facias* was directed against the charter, which was equally obstructed as the former by the privilege of the peerage. Nicholson, a man peevish from age, arbitrary by nature, and dependent from penury, was at the same time appointed provisional governor. Informed by the same instructions as were given to the chief commanders of royal governments, he was moreover empowered to appoint his own council, as well as every other officer. There was sent with him an independent company of soldiers, with the pretended design of protecting the timid, but with the real purpose of overawing the turbulent. And, since their annual establishment amounted to more than three thousand pounds, the colonial seditions cost England during the subsequent fourteen years forty three thousand pounds.

Conscious “ that he had been falsely sworn out of “ the government of Virginia, and lied out of that of “ Nova Scotia,” Nicholson determined to sacrifice his trust to his endeavours to please. He placed Middleton, who, as speaker of the convention, had carried the vote of revolution to the late governor, at the head of the council: he named the men whose active influence had procured that event as his counsellors. And he appointed the same person, who had impeached the late chief justice, to discharge now his important office. His arrival
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in 1721 is said to have silenced the voice of discontent and to have banished the fear of danger, or even of oppression. Actuated by the sentiments of their constituents, the assembly of September 1721 recognized the undoubted right of George I. to the province of Carolina, as well as to every dominion of the crown. They passed the same laws that always follow successful revolt: they confirmed the public proceedings during the late state of independence: they discharged all suits for pretended wrongs during that period of distraction. And their other measures were chiefly dictated by the supposed grievances which had lately promoted disaffection. They regulated the courts of justice; they reduced officers fees; they changed the mode of electing delegates, which had formerly been made in Charles-town, which was now to be performed in the various parishes by ballot; and, while they granted a small revenue for maintaining garisons and supporting the civil establishment, they appointed a treasurer who should be dependent solely on themselves. Taking advantage of the governor's instruction, "that he should receive no presents after the appointment of a salary," the representatives gave him a gratuity of five hundred pounds sterling, but secretly determined never to render him independent. And nothing could be better calculated to degrade the royal government, and to impose on the ministers, than the measures which were now adopted by both parties: a committee of correspondence was nominated by the two houses of assembly to transact affairs with their agents in England: Nicholson, contrary to his positive injunctions, referred the Board of trade to them for information with regard to the state of the colony.

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The independent company was sent to form a post on the northern bank of the river Alatomaha, with a view to prevent the Spanish encroachments. And treaties of amity were made with the surrounding tribes, in order to retain their beneficial friendship. When the delegates reassembled in December 1722, they gave ample specimens of the vehemence of character, by which all were animated. Contrary to the petition of the inhabitants, they passed an act for incorporating Charles-Town, by which the mayor, aldermen, and council, were not only appointed for life, but were empowered, exclusive of the free-men, to fill up the vacancies occasioned by death. When West, the able counsel of the Board of trade, reviewed this singular effort of legislation, he remarked, "that it had established the completest oligarchy that ever was seen; as the government was vested in nineteen gentlemen, their heirs, and assigns, for ever." And a law, which had already given rise to oppression and complaint, was soon disallowed by the king. As if the province had not been already debilitated by a depreciating currency, an ordinance was introduced for issuing paper bills to the additional amount of one hundred and twenty thousand pounds. Foreseeing the ruinous consequences, eight and twenty of the most respectable merchants presented a representation to Nicholson; stating, in plain but manly language, the history of paper currency from 1702; when six thousand pounds were issued and the exchange with London was five and twenty in the hundred to the present time, when no man knew the amount, except from the circumstance that six hundred pounds of it were only equal to one hundred pounds sterling: asserting, as the chief cause of this unexampled depreciation,

ciation, what was assuredly true, "that every legislative engagement, for recalling the various emissions of bills, had been broken through by every assembly." With their habitual violence the delegates resolved, that the merchants petition was a false and scandalous libel; and they committed them to close confinement, because its reflections on former assemblies were deemed a breach of the privileges of the present. Claiming it as a legal right to petition for legal purposes, the prisoners applied to the governor for protection, and to the council for permission to be heard by advocates against the object of their dread. The governor did not put an end to their imprisonment by proroguing the assembly, because he was dependent on them: the council shewed an inclination to grant their desires, but they feared that their compliance would be construed as an invasion of the rights of others. The law passed: and the merchants were discharged after submitting to an unwilling concession which only could reflect on them who asked it, and paying three hundred pounds sterling as fees. Against measures, thus oppressive and unjust, the traders of London complained to the Board of trade without fear of commitment. They stated, that, having given considerable credit to the provincials, they had been deprived of one half of their debts by the depreciation of their paper, and by the rise in the nominal price of their productions; that they had often applied for redress to the Board, which had induced the proprietaries to transmit orders that were by all disregarded, because, "having found the sweets of the cheat, they continued their frauds." Nicholson was found to have disobeyed his orders. The obnoxious act was disallowed. And the lords

lords-justices sent additional instructions, "to consent to
" no new law for creating a farther paper currency, nor
" to any act by which the sinking funds already esta-
" blished should be diverted to less salutary purposes."

While the wise reflected, how miserable had been a province, where neither personal freedom nor the rights of property were safe had it been governed by itself alone, the proprietaries made a feeble effort to regain their former honours, flattering, yet unprofitable. They complained of the innovations of Nicholson, and of the injury done to their manerial rights, without gaining their end. Unsupported by lord Carteret, who employed his rising influence to promote his own gratification, their complaints made little impression, since the ministers appear to have fully resolved, neither to restore what they had unjustly taken away, nor to acquire an equitable title to rule by granting a compensation.

The governor was roused to attention by reproof, and the delegates were checked by opposition. While he published the royal dissent to the acts, which had given such just offence, they endeavoured, though without success, to justify the conduct of both: they begged the Board of trade for a reconsideration of their late representation against their paper currency; assuring them, that, in return for their aid, "they would never pass
" more laws affecting commerce." But the Board remained obdurate. And the assembly convened, in December 1723, in order to remove the embarrassments which their own imprudence had occasioned. They tried every expedient which cunning could devise to induce Nicholson to give up his recent orders to their interested purposes; to permit modifications of their former
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mer acts, since he would not admit of the re-enacting of them. Yet, contrary to his former facility, he continued firm, because he had heard of complaints against him and dreaded a recal. The assembly empowered the debtors to discharge their engagements in rice at a stipulated value, since they were no more allowed to fulfil them, by tendering a paper which was of no real estimation. How seldom, alas, is common sense admitted into political œconomy! What can be more apparent, than that there was only one mode by which the province could be extricated from the embarrassments that had been introduced by their depreciated currency, which was indeed pointed out and enforced by the royal instructions; to recal gradually the paper-bills with design never to issue more. When the delegates found, that they could no longer mould the governor to their purpose, they gave him cause to lament, "that they entered into resolutions without the consent of the council; insisting on their old privileges under the proprietaries, however inconsistent with the king's government." Provocation having now enlarged his knowledge of men, by disclosing their principles of action, Nicholson wrote the Board of trade, in June 1724: "I should fail in my duty, if I did not observe to your lordships, that I find the spirit of commonwealth-maxims, both in church and state, increase here daily; and, as I suppose, partly by the influence of the New Englanders."

When Nicholson returned to England in 1725, accompanied with the thanks of the assembly, the paper-bills had been gradually reduced, by an adherence to the late prudent orders, to eighty-seven thousand pounds,

which however still circulated at a discount of four hundred for one, because the merchants had no confidence in a legislature that had so often proved faithless. The complaints, which were continually heard, only declared, that the provincials, by engaging in unusual enterprizes, had overtraded themselves, while they augmented the productions and enlarged the commerce of the colony: the province prospered while the projectors were embarrassed. And the Carolinians, enjoying an advantageous peace with the Indians, solely dreaded Spanish encroachments; since they had felt the unhappy influence of Spanish intrigues. The administration devolved on Middleton, a man interested and corrupt, who had acquired political cunning from his experience of the party-contests of preceding times. The governor had scarcely departed, when he began to sell the petty offices of the province. This unworthy conduct was regarded as the more extraordinary, because, "he was a native of the country, who had condemned this baseness in the proprietaries, and had been the first who took the lead in the revolution." And, having no friend to defend him, he was impeached by the delegates during the session of November 1725. Yet the formal complaint, which was instituted before the Board of trade, was relinquished as soon as he denied the charge. The representatives, actuated by the interestedness of their constituents, attempted to repeal the law, the salutary operation of which was daily restoring the credit of their paper-bills, by destroying a part of them: but they were checked by the opposition of the council. They soon convinced their opponents, that they could easily reduce, to the most humiliating dependence, every officer, and
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even the administration, when they were not in all things gratified. They put such constructions on the royal orders as shewed their contempt for the prerogative itself. And the counsellors thought themselves obliged to complain to the duke of Newcastle, in December 1725; "that the delegates had reduced them to the fatal dilemma of either passing an improper tax-bill, or of having no support to the government, since they deny the council's power to amend money-bills."

As the king's ministers remained silent spectators of the unequal struggle, the same contests were renewed in December 1726. Perfectly aware that the president was instructed to permit no measure that should obstruct the final extinction of the discredited paper, yet urged by the imprudent desires of their constituents, the representatives passed a bill for throwing into circulation an additional eighty-six thousand pounds. But the counsellors denied their assent; urging, what did not however procure acquiescence, that the royal intention, and the interests of the governed properly understood, both happily coincided. Animated by the sentiments of an indebted people, the delegates begged the president to remove Allen, the chief justice; but he declined rather than refused: they asked him to displace the marshal, who here executed legal process: and he complied. In return, they continued the revenue for the payment of the civil and military establishment during the subsequent year. And they sent a petition to the king; praying for a relaxation of his instructions with regard to paper-bills, which would soon leave them without any measure of commerce; which would ruin a province that already felt insuperable distress. Yet, without waiting

for an answer, they seem to have determined to call in force to give weight to representation. When the assembly adjourned, in March 1727, insinuations were scattered among the multitude, "that the counsellors
 " were the only obstructors of the public good, and
 " some men ought to be put in bodily fear, since the
 " peoples representatives had often tried, yet could not
 " save the country."

Universal anarchy soon ensued. In April 1727, the inhabitants entered into an association against the payment of taxes that had been imposed by their delegates; pretending their inability while their money was daily withdrawn. The merchants feared, "that the next
 " step would be to discharge no debts, since they had
 " already overawed the marshal; to subvert the govern-
 " ment; and to become levellers." Amidst the madness of tumult, Smith, a landgrave and a counsellor, attempted to gain, from the acclamations of the multitude, the supreme rule. But he was committed to prison as a traitor, before he could execute his purpose, since his partizans were checked by a sense of danger from the king's ships, which lay in the harbour of Charlestown. When the chief justice refused to grant the seditious prisoner a writ of habeas-corpus, because the greatness of his offence required close confinement, two hundred and fifty horsemen entered the capital, and demanded his release in such terms as admitted of no denial. The insurgents sent a deputation with a complaint of grievances, which they presented with one hand, while, with the other, they brandished their arms. Their remonstrance complained of the counsellors, of the law, of the chief justice, of the lawyers, of public ruin, and
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of individual distress. Private, and therefore disinterested, men remarked, "that, whatever might be pretended, the true ground of all is to be relieved in paying their debts by a tender law; by an act enabling them to discharge real engagements by a depreciated paper, or by commodities at a fictitious price." The president temporised, as government had lost its energy. And they were for the present somewhat pacified by an assurance, that an assembly should be called, in order to consider the disturbed state of the province.

When the delegates convened in August 1727, they instantly shewed how much they were actuated by the sentiments of the remonstrants, since they had really urged them to action. With the genuine spirit of the last century, they encouraged tumultuous petitions for an increase of paper, by caressing the petitioners, by censuring the president, because he had acted as if he thought they were not aggrieved. Having extended their patronage to Smith, they impeached the chief justice, for denying a writ of habeas-corpus to a man committed for high-treason. When they were put in remembrance of the threatened invasion of the Indians, they took that opportunity to offer an ordinance for issuing fresh bills of credit; for appropriating the sinking fund, though they knew that the president was restrained from assenting to it. And they attempted, contrary to the statute of Anne, to enhance the value of foreign coins. Loaded with obloquy and menaced with violence, the counsellors passed their bills with a clause, suspending the operations of each till the assent of the king should be given. But the delegates rejected their conciliatory proposition and insisted on laws, which were demanded by the people.

The president threatened them with the royal resentment: they complained of his arbitrary conduct, and adjourned themselves contrary to his prohibition: and, when this contemptuous conduct made a new assembly necessary, the representatives refused to attend when summoned by the king's writ, in the king's name. In this extremity of weakness, when continued confusions, proceeding chiefly from the anarchical habits of the colonists, had deprived Carolina of the appearance of any social establishment, the president endeavoured to rouse the duke of Newcastle, by representing, in December 1728: "that
 " his former letters having been laid before the king
 " without any perceivable effect, the government was
 " reduced to the lowest extremity, since the people, per-
 " ceiving that no public censure was passed on their
 " insurrections, had run into all manner of licentious-
 " nefs; that experience had shewn how vain is the at-
 " tempt to employ the inhabitants to reduce themselves;
 " and, having no standing forces or treasury to apply to
 " upon the most emergent occasions, it will be diffi-
 " cult, if not impossible, to support any government
 " where either the one or the other is wholly want-
 " ing."

The proprietaries had meanwhile continually claimed the honour of ruling an ungovernable province. When they heard of the late debasement of the royal authority in the person of Middleton, they put the ministers in remembrance of what they had foretold ten years before, from the information of the penetrating Rhet; "that, if the recent revolt is not cropt in the
 " bud, the provincials will set up for themselves against
 " his majesty;" it could not have been a hatred of their
 persons,

persons, said they, or an animosity to their conduct, which had produced the revolution of 1719, since the present president and counsellors were the most active agents in producing a change, the sad effects of which they now felt: as permanent principles always inspire uniformity of conduct, the same objections, pretences, and practices, had now overturned the government of the king, which had formerly overwhelmed the private rights and public administration of the proprietors. Nothing can be more amusing, than to trace the progress by which the same causes bring forth similar effects, diversified only by variety of circumstance, which often gives a different turn to events. Copied literally from the charter of Maryland, the Carolinian patents equally established a proprietary rule, though the one province has generally been the most peaceful, the other the most turbulent. The habits of the original people, the religion, the constitution, inspired in Maryland a love of order, a regard to forms, and an attachment to the supreme magistrate, which seem at no time to have existed in Carolina; because the pristine settlers had no peculiarity of character, no discrimination of religion, no social system, that they ever approved, though a philosopher had honoured them with a celebrated code. In Maryland, the proprietors have always enjoyed considerable influence, and have therefore been supported by a great party: in Carolina, the proprietaries appear at no time to have possessed any power, and therefore no man was attached to their fortunes. During the reign of Anne, Maryland felt the same distresses as Carolina had lately experienced, without adopting the same modes of redress; the people of the first, though almost ruined

by entering into engagements which they could not fulfil, and were influenced by the chicanery of debtors, generally applied to the legislature for relief, and were at length extricated by prudent perseverance. Yet both enjoyed unexampled prosperity amidst their embarrassments; and, while they complained of depopulation and the evils of declining commerce, both added considerably to their numbers, to their traffic, and to their affluence.

Such were the natural consequences of British policy and of colonial conduct, during the reign of George I. Advised by ministers who had yet to learn the nature of the connexive tie between the parent-country and her colonies, that monarch enjoyed an influence still less than any of his predecessors, because political power, taken from one scale, is constantly thrown into the opposite one. And the democratical principle of the colonists gained new strength in the same proportion as the national authority declined. Urged by that vigorous spirit of independence which we have beheld seizing every fair occasion since the revolution to gain its end, the provincials daily encroached on the rights of the nation, since her rulers were too inattentive to give them effectual support, though they were informed and warned, though they were assured by the Board of trade, *that these chartered governments have shewn too great an inclination to be independent of their mother-country.* The prerogative of the prince, which in some instances had been exerted improperly, perhaps illegally, was in Massachusetts and in Carolina trampled under foot, was in all derided, because an injudicious use of authority never fails to deduct something from its force. The jurisdiction of parliament, though exerted during the foregoing period in
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all cases whatsoever, was nevertheless questioned by some settlements and denied by others, as the acts of the supreme legislature had been often circumvented and seldom executed. Yet the wisdom of various legislative regulations promoted mean time the population of the plantations, their commerce, their wealth, and consequently their power and their confidence, which proved at present beneficial to both, but in the end destructive. Happy! had the kingdom and the colonies sufficiently reflected, that it answered no salutary purpose with regard to the interests of Britain, to protect and cherish distant establishments, which the national councils, whether directed by whigs or by tories, could not govern*.

* The wisest statesmen of the reign of George I. appear to have added little to the stock of ancient knowledge, with regard to colonial jurisprudence. Mr. West, the first lawyer, who had been appointed the peculiar counsel of the Board of trade, who was afterwards chancellor of Ireland, reported to the Board in June 1719: "It may be made a question, whether the general assemblies in the colonies may be entitled to those privileges which have been allowed to the parliament; but it is most certain, that the prerogative, in relation to the assemblies, is at least as extensive as ever it was in respect to our parliament; and this prerogative every governor may exercise." When the Board of trade two years thereafter recommended to the king the appointment of a military dictator for the provinces, yet advised that the colonists should enjoy the privileges of subjects, they were plainly influenced by contradictory reasonings. For, there are two correlatives which can never be separated: a British subject must necessarily be entitled to British privileges, wherever he may reside within the British dominions; a British subject owes obedience to British laws, and consequently submission to British government. Yet Sir Robert Raymond and Sir Philip Yorke, in reviewing the ordinances of Jamaica, remarked in May 1723: "as to the habeas cor-

" pus act; it is submitted how far it may be proper to enact it in Jamaica,
 " which is a colony at so great a distance from England. We are informed,
 " that it has been often attempted in Ireland, and the crown has, for weigh-
 " ty reasons, never thought fit to consent to it even in that kingdom. But
 " there is one clause in that act, which might be particularly inconvenient;
 " viz, that which restrains the sending of persons prisoners out of the island."

Such opinions, delivered by such men, ought at least to teach moderation to
 the politicians of the present day, in their treatment of each other. Uncertainty
 of law introduced then, we have seen, that misery and consequential feeble-
 ness, which every community, when placed in a similar situation, had felt.
 And the colonies exhibited a state of society during the foregoing reign unex-
 amples in the annals of the world. Though the royal instructions had denied
 the provincials mental freedom by restraining the liberty of the press, and
 personal freedom by refusing them the writ of habeas corpus, they yet en-
 joyed an independence of thought and of action beyond what the people of
 Britain exerted: though the king was supposed to possess a prerogative in the
 provinces superior to that which he might exercise within the kingdom, he
 had been gradually deprived not only of political influence but even of regal
 authority. And, as no corroboratives had been thrown in by the state-physicians
 of preceding times, the decline of the provincial constitution continued, till
 the disease ended, by a natural progress, in convulsions, which every one now
 feels and therefore laments.

END OF VOL. I.



